SO ORDERED

Judge Neil P. Olack
United States Bankruptcy Judge
Date Signed: June 14, 2019

The Order of the Court is set forth below. The docket reflects the date entered.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

IN RE:

TILMON T. CLIFTON, **CASE NO. 19-01722-NPO**

DEBTOR. **CHAPTER 13**

ORDER: (1) RESOLVING SHOW CAUSE ORDERS ISSUED TO DEBTOR AND HIS COUNSEL; (2) GRANTING TRUSTEE'S MOTION TO DISMISS AND BANK OF YAZOO'S JOINDER IN TRUSTEE'S MOTION TO DISMISS WITH 180-DAY REFILING BAR; AND (3) DENYING DEBTOR'S MOTION TO DISMISS AS MOOT

This matter came before the Court for hearing on June 10, 2019 (the "Hearing"), on the Order Annulling the Automatic Stay and Setting Show Cause Hearing for Tilmon T. Clifton (the "Order Annulling Stay" or the "Debtor Show Cause Order") (Dkt. 10) issued to Tilmon T. Clifton (the "Debtor"), to show cause why he should not be held in civil contempt for commencing the above-styled chapter 13 bankruptcy case (the "Current Case") in violation of an injunction entered in a prior bankruptcy case; the Response to Order Annulling the Automatic Stay and Setting Show Cause Hearing for Tilmon T. Clifton (the "Response to Debtor Show Cause Order") (Dkt. 28) filed by the Debtor; the Order to Show Cause (the "McRaney Show Cause Order") (Dkt. 11) issued to Robert Rex McRaney, Jr., Esquire ("McRaney") to show cause why sanctions or other relief

should not be imposed against him for commencing the Current Case on behalf of the Debtor in violation of an injunction entered in a prior bankruptcy case; the Trustee's Motion to Dismiss (the "Trustee's Motion to Dismiss") (Dkt. 7, 9) filed by James L. Henley, Jr., the chapter 13 trustee (the "Trustee"); the Motion to Voluntary [*sic*] Dismiss Case (the "Debtor's Motion to Dismiss") (Dkt. 13) filed by the Debtor; and the Joinder in Trustee's Motion to Dismiss (the "Joinder") (Dkt. 20) filed by the Bank of Yazoo in the Current Case. At the Hearing, George Adam Sanford appeared on behalf of both the Debtor and McRaney; Tylvester O. Goss appeared on behalf of the Trustee; and Olivia Spencer appeared on behalf of the Bank of Yazoo. The Court ruled from the bench, dismissing the Current Case under 11 U.S.C. § 109(g) and imposing monetary sanctions against McRaney. This Order memorializes and supplements the Court's bench ruling.[1]

Jurisdiction

The Court has jurisdiction over the subject matter of and the parties to this proceeding pursuant to 28 U.S.C. § 1334. This matter constitutes a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A).

Facts

The Current Case is the third chapter 13 bankruptcy case commenced by the Debtor since 2016.[2] The first short-lived bankruptcy case was filed on November 29, 2016 (the "2016 Case") (Case No. 16-03860-NPO), and the second bankruptcy case was filed on March 10, 2017 (the "2017 Case") (Case No. 17-00929-NPO).

[1] The Court makes the following findings of fact and conclusions of law in accordance with Rules 7052 and 9014 of the Federal Rules of Bankruptcy Procedure.

[2] The Court takes judicial notice of the docket entries in the Debtor's prior bankruptcy cases. FED. R. EVID. 201; FED. R. BANKR. P. 9017.

The 2016 Case was dismissed on February 27, 2017, because of the Debtor's failure to meet the conditions of an agreed order requiring him to amend the chapter 13 plan and submit a copy of his 2015 income tax returns. (2016 Case, Dkt. 34). The 2017 Case was dismissed on January 10, 2019, after the Debtor became more than sixty (60) days delinquent in plan payments to the chapter 13 trustee. (2017 Case, Dkt. 141). At the Hearing, the Debtor explained the reason for the delinquency. For two months in 2018 the Debtor was unemployed, and his new employer allegedly had failed to withhold and/or pay a portion of his earnings to the trustee. In the Final Order of Dismissal Order (the "Dismissal Order") (2017 Case, Dkt. 141) entered in the 2017 Case, the Court barred the Debtor from re-filing any bankruptcy case for a period of 180 days. Pursuant to the Dismissal Order, therefore, the Debtor was enjoined from filing another bankruptcy case until July 9, 2019.

On May 6, 2019, in violation of the injunction, the Debtor and McRaney signed the chapter 13 petition for relief (the "Petition") (Dkt. 1), and McRaney electronically filed the Petition, commencing the Current Case. A different lawyer represented the Debtor in the 2016 Case and the 2017 Case. The Debtor retained new counsel, McRaney, to assist him in halting the foreclosure sale of his residence located at 1215 Grand Avenue, Yazoo City, Mississippi (the "Residential Property"). (*Id.* at 2). The Residential Property is encumbered by a deed of trust held by the Bank of Yazoo that secures repayment of a loan in the principal amount of $78,796.58. (2017 Case, Dkt. 45 at 4). The Bank of Yazoo first initiated foreclosure proceedings in 2016, but the sale was interrupted by the filing of the 2016 Case. (2017 Case, Dkt. 85 at 2). In the 2017 Case, commenced less than one month after the dismissal of the 2016 Case, the Bank of Yazoo filed three motions, a notice, and a response in an attempt to enforce its lien against the Residential Property. (2017 Case, Dkt. 45, 71, 76, 85, 136).

As noted previously, the 2017 Case was dismissed on January 10, 2019. Days before the Bank of Yazoo's second scheduled foreclosure sale, the Debtor commenced the Current Case by a "bare bones" filing. (Dkt. 28 at 2). The Petition was accompanied by a creditor list (Dkt. 2) and a certificate of credit counseling (Dkt. 4) but not by an attorney disclosure statement, Form 122C-1, a chapter 13 plan, a statement of financial affairs, schedules A through J-2, or a summary of assets and liabilities. (Dkt. 1).

The day after the commencement of the Current Case, the Trustee filed the Trustee's Motion to Dismiss, alleging that the Debtor was barred from filing the Current Case and asking the Court to dismiss the Current Case. Thereafter, the Bank of Yazoo filed the Joinder, adopting by reference the allegations contained in the Trustee's Motion to Dismiss and asking the Court to impose a new 180-day refiling bar. On May 8, 2019, the Court simultaneously issued the McRaney Show Cause Order and the Order Annulling Stay. The Court found that the Debtor had demonstrated his status as a serial bankruptcy filer and abuser of the bankruptcy system and, consequently, annulled the automatic stay retroactive to the date of the filing of the Petition. (Dkt. 10). On May 8, 2019, McRaney signed and filed the Debtor's Motion to Dismiss, conceding that "the Debtor was ineligible to file a chapter 13 Bankruptcy case." (Dkt. 13).

The Current Case is the third known bankruptcy case filed by McRaney on behalf of a barred debtor. On January 2, 2019, McRaney signed and filed a chapter 13 petition for relief in *In re Griffin*, Case No. 19-00010-NPO (the "*Griffin* Case"). As in the Current Case, the Court issued an order in the *Griffin* Case requiring McRaney to show cause why sanctions or other relief should not be imposed against him. (Case No. 19-0010-NPO, Dkt. 9). At the show cause hearing held on February 4, 2019, in the *Griffin* Case (the "*Griffin* Show Cause Hearing"), the Court recited a myriad of deficiencies and then engaged in the following exchange with McRaney:

McRaney: I've been doing this 30 years, and we just missed this one.

Court: How?

McRaney: Well, your Honor, we always, with the exception of this one, pull the docket of the previous bankruptcy cases, and for whatever reason we didn't or, if we did, we didn't look at it. So it's no one's fault but mine. I'm not a computer person, but it's still my fault.

Court: So what have you done in your office to ensure that this doesn't happen again?

McRaney: Well, I have talked to our chapter 13 and 7 ladies to make sure they pull them on each and every case, and like I said to them, in 30 years, this is the first time it's happened to me, but it's still my fault.

(*Griffin* Show Cause Hr'g at 10:28:11-10:29:49) (Case No. 19-00010-NPO, Feb. 4, 2019).[3] From the bench, the Court imposed monetary sanctions against McRaney in the amount of $250.00 and dismissed the show cause order. (Case No. 19-00010-NPO, Dkt. 29).

Despite his assurances to the Court at the *Griffin* Show Cause Hearing that he had taken the necessary steps to prevent any other bankruptcy filing on behalf of a barred debtor, McRaney commenced the Current Case on behalf of the Debtor on May 6, 2019. Then, only days later, on May 14, 2019, he filed a petition for relief in *In re Drayton*, 19-01825-NPO, for a third time commencing a chapter 13 bankruptcy case on behalf of a barred debtor.[4]

In the Response to Debtor Show Cause Order, signed and filed by McRaney, the Debtor alleges that he was unaware of the injunction and did not inform McRaney of the refiling bar. These allegations are consistent with the Debtor's testimony at the Hearing. Although the Debtor admitted that he received a copy of the Dismissal Order, he insisted that he did not understand the

[3] The citation is to the timestamp of the audio recording. The full recording of the *Griffin* Show Cause Hearing was played at the Hearing.

[4] A show cause hearing is set in *In re Drayton* on June 24, 2019. (Case No. 19-01825-NPO, Dkt. 10, 11). This Order addresses only McRaney's conduct in the Current Case.

meaning of the language that prohibited him "from re-filing any case in this Honorable Court or any other Court for a period of 180 days from the date of entry of this final order." (2017 Case, Dkt. 141).

McRaney did not file a written response to the McRaney Show Cause Order. It appears that the Debtor fully informed McRaney about his bankruptcy history because both the 2016 Case and the 2017 Case are identified in the Petition. Yet McRaney contended at the Hearing that he was unaware of the 180-day refiling bar in the Dismissal Order. When asked by the Court at the Hearing whether his filing of the Current Case was "as simple as your firm doesn't go to CM/ECF and type in the case numbers of previous cases to determine whether the debtor's dismissal included a bar," McRaney responded, "We pull the previous case, and it's our practice to check and see if there is any kind of bar." (Hr'g at 11:24:08-11:25:24) (June 10, 2019). Conceding the absence of any reasonable explanation for having commenced the Current Case, McRaney stated, "I have no excuse for our missing it. We just simply did." (*Id.*).

In this jurisdiction, access to the dockets of bankruptcy cases has been available online through the Case Management/Electronic Case Files ("CM/ECF") system since March 14, 2005. A cursory review of the docket sheet in the 2017 Case was all that was necessary to determine that the Debtor was ineligible to file the Current Case. Next to the Debtor's name on the first page of the docket appears the notation "(barred)" in blue ink. The "Docket Text" describes the Dismissal Order as the "Final Order of Dismissal and Barring Debtor, Tilmon T. Clifton, for 180 days." Additionally, a copy of the Dismissal Order easily could have been obtained through the Public Access to Court Electronic Records ("PACER") system, which allows attorneys and registered users to view and print court documents via the internet.

Discussion

The parties do not dispute that the Debtor was ineligible to file the Current Case because of the 180-day refiling bar and that the Current Case should be dismissed with prejudice. Accordingly, the Court finds that the Trustee's Motion to Dismiss and the Joinder filed by the Bank of Yazoo should be granted. At the request of the Bank of Yazoo, the Court will include language in this Order that any filing by the Debtor of a bankruptcy case before the expiration of the 180-day refiling bar will not prevent the Bank of Yazoo from proceeding with the foreclosure sale of the Residential Property. The Court further finds that the Debtor's Motion to Dismiss should be denied as moot. The only remaining contested matters are the Debtor Show Cause Order and the McRaney Show Cause Order.

Rule 9011 of the Federal Rules of Bankruptcy Procedure ("Rule 9011"), bankruptcy's counterpart to Rule 11 of the Federal Rules of Civil Procedure ("Rule 11"), provides, in pertinent part:

> **(b) Representations to the court.** By presenting to the court (whether by signing, filing, submitting, or later advocating) a petition, pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed *after an inquiry reasonable under the circumstances*,—
>
> > (1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
> >
> > (2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
> >
> > (3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
> >
> > (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

> **(c) Sanctions.** If, after notice and a reasonable opportunity to respond, the court determines that subdivision (b) has been violated, the court may, subject to the conditions stated below, impose an appropriate sanction upon the attorneys, law firms, or parties that have violated subdivision (b) or are responsible for the violation.

FED. R. BANKR. P. 9011(b), (c) (emphasis added). Rule 9011 thus imposes two grounds for sanctions: (1) whether the attorney and/or litigant conducted a reasonable inquiry into the law and facts which support the document; and (2) whether the document was filed for an improper purpose such as delay, harassment, or increasing the expense of litigation. *Thomas v. Capital Sec. Servs., Inc.*, 836 F.2d 866, 873-74 (5th Cir. 1988). The issue here is whether the Debtor and McRaney conducted a reasonable inquiry into the facts before signing and filing the Petition.[5] *Childs v. State Farm Mutual Auto. Ins. Co.*, 29 F.3d 1018, 1024 (5th Cir. 1994).

A. Debtor

Rule 9011 allows courts to sanction not only the attorney involved in a case but his client as well. *Indep. Fire Ins. Co. v. Lea*, 979 F.2d 377, 378 (5th Cir. 1992). The allocation of sanctions between an attorney and his client depends on their respective culpability. *In re Pasko*, 97 B.R. 913, 918 (Bankr. N.D. Ill. 1988). To be sanctioned individually, the client must have been "personally aware of or otherwise responsible for the bad faith procedural action." *Friesing v. Vandergrift*, 126 F.R.D. 527, 529 (S.D. Tex. 1989). Here, the Debtor's culpability for the violation of the Court's injunction in the Dismissal Order depends on the extent of his involvement in the decision to commence the Current Case. *Indep. Fire Ins. Co.*, 979 F.2d at 378.

[5] The attorney's login and password to the CM/ECF system constitutes the signature for purposes of signing the petition, pleading, written motion, or other paper under Rule 9011. MISS. BANKR. L.R. 9011-1(a).

"Generally, sanctions fall wholly on the client when he has misled his attorney as to the facts or purpose of the proceeding." *In re Pasko*, 97 B.R. at 918. A failure to make a reasonable inquiry into the law generally results in sanctions against the attorney. *Thompson v. Aland*, 639 F. Supp. 724, 732 (N.D. Tex. 1986); FED. R. BANKR. P. 9011(c)(2)(A) (monetary sanctions may not be awarded against a represented party for frivolous legal claims and defenses). "If the client is knowledgeable about bankruptcy law or shared responsibility with the attorney for litigation strategy, sanctions may be imposed upon the client and attorney jointly and severally." *In re Robinson*, 198 B.R. 1017, 1023 (Bankr. N.D. Ga. 1996).

The Debtor's testimony at the Hearing demonstrated that he is a layperson with limited knowledge of bankruptcy law. Moreover, the Court finds from the Debtor's testimony and McRaney's statements at the Hearing that the Debtor did not mislead McRaney into filing the Current Case by providing him with incorrect information. McRaney never asked the Debtor if he was barred from filing the Current Case, and the Debtor never volunteered that information. Although the Debtor had constructive notice of the 180-day refiling bar by virtue of his having received a copy of the Dismissal Order, the Debtor credibly testified that he did not understand what the bar meant. *See Veterans Admin. v. Lunsford* (*In re Lunsford)*, 43 B.R. 184, 188 (Bankr. N.D. Ga. 1984) ("Debtors frequently misunderstand bankruptcy terminology, e.g., the difference in legal effect between a discharge, a termination of stay and a dismissal."). McRaney, an experienced bankruptcy lawyer, is the expert, not the Debtor. Under these circumstances, it was reasonable for the Debtor to rely on McRaney to inform him of any facts that he may have overlooked or simply did not understand. For these reasons, the Court declines to impose sanctions against the Debtor. As a result of the Hearing, however, the Court finds that the Debtor has been informed of the meaning of a "refiling bar" and the consequences of its violation so that any

violation by the Debtor in the future of a similar nature likely will result in sanctions against him for an intentional disregard of the bankruptcy process. The Court next considers the appropriateness of sanctions against McRaney.

B. McRaney

The Fifth Circuit Court of Appeals measures an attorney's conduct under an objective standard of reasonableness under the circumstances; an attorney's good faith belief is not a defense to Rule 11 sanctions. *Robinson v. Nat'l Cash Register Co.*, 808 F.2d 1119, 1127 (5th Cir. 1987). Thus, that McRaney was unaware of the 180-day refiling bar does not excuse him from his Rule 11 obligations. The Fifth Circuit has held that the following factors that may be considered in determining the reasonableness of an attorney's inquiry into the facts:

1. the time available to the signer for investigation;

2. the extent of the attorney's reliance upon his client for the factual support for the document;

3. the feasibility of pre-filing investigation;

4. whether the signing attorney accepted the case from another member of the bar or forwarding attorney;

5. the complexity of the factual and legal issues; and

6. the extent to which development of the factual circumstances underlying the claim requires discovery.

Thomas, 836 F.2d at 875.

The Court recognizes that the Current Case was filed when the Bank of Yazoo was about to foreclose on the Residential Property, and the exigency of those real-life circumstances may have limited the scope of McRaney's pre-filing investigation. (Dkt. 28). But "the fact that the client's home is scheduled for an imminent foreclosure does not excuse the reasonable inquiry requirement of Rule 9011(b)." *In re Tran*, No. 14-11837, 2014 WL 5421575, at *7 (Bankr. E.D.

Va. Oct. 17, 2014). The bankruptcy court in *In re Moffett*, for example, rejected a lawyer's attempt to justify his failure to investigate the debtor's assets because the petition was filed on an emergency.

> What [the attorney] misses, however, is that the Debtor provided exactly what she was told she had to provide to get her case filed. The fault for the lack of complete information rests with [the attorney] for not insisting that clients he represents be told—and required—to bring in all necessary information before a case will be filed. He cannot absolve himself of the duty to conduct a reasonable investigation by affirmatively allowing clients to bring in only the bare minimum of information and then claiming that it is not his fault that he did not have sufficient information to review.

Case No. 10-71920, 2012 WL 693362, at *3 (Bankr. C.D. Ill. Mar. 2, 2012).

As pointed out earlier, even a cursory review of the docket in the 2017 Case using the CM/ECF system would have revealed the Debtor's "(barred)" status, and McRaney only had to conduct a PACER search to obtain a copy of the Dismissal Order. At the *Griffin* Show Cause Hearing, McRaney said he is not a "computer person," but the Mississippi Rules of Professional Conduct require that a lawyer "provide competent representation to a client," and competent representation "requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." MISS. R. PROF. CONDUCT 1.1; *In re Dobbs*, 535 B.R. 675, 689 (Bankr. N.D. Miss. 2015). Even an inexperienced bankruptcy lawyer should have discovered the 180-day refiling bar under similar time constraints and would not have commenced the 2017 Case, given the simple and routine nature of this task.

It does not appear that McRaney relied on the Debtor regarding his eligibility to file the Current Case because McRaney never asked the Debtor that question. Once McRaney became aware of the Debtor's bankruptcy history, he was obligated to verify publicly-available facts by searching the docket and records in the 2017 Case. *See In re Oliver*, 323 B.R. 769, 774 (Bankr. M.D. Ala. 2005) ("A lawyer may not take his client's word concerning previous bankruptcy filings

when it is so easy to check the Court's records."). Because he failed to do so, McRaney was unaware of the 180-day refiling bar when he signed and filed the Petition.

The facts here are similar to those in *In re Weaver*, 307 B.R. 834, 847 (Bankr. S.D. Miss. 2002), where monetary sanctions of $750.00 were awarded against an attorney who filed a chapter 7 bankruptcy case on behalf of barred debtors. Within the past six years, the debtors had filed five previous bankruptcy cases, but the petition for relief signed by the attorney identified only two of them. *Id.* at 838-39. In one of the prior chapter 13 bankruptcy cases not disclosed in the petition, the bankruptcy court had entered an injunction prohibiting the debtors from filing another bankruptcy case under any chapter for one year. *Id.* at 838. In violation of the refiling bar, the debtors, through their attorney, signed and filed the petition. *Id.*

The debtors' counsel argued that he was unaware of the injunction and had relied on the debtors' response to a written questionnaire indicating that they had not filed a chapter 7 case within the past six years. The injunction, however, was issued in a prior *chapter 13 case*, which neither the questionnaire nor the attorney asked the debtors about and which the debtors did not voluntarily disclose. The bankruptcy court found that "an attorney performing an inquiry reasonable under the circumstances would have conducted further inquiry . . . to acquire a complete history of all prior bankruptcy cases filed by the Debtors and would not have relied solely upon the information provided to him by the Debtors." *Id.* at 844. The bankruptcy court concluded that the attorney's pre-filing investigation was deficient given that "[t]he information was easily attainable and not time consuming." *Id.*

As with any pleading, motion, or other document filed in federal court, a debtor's counsel must perform a reasonable factual investigation before filing a bankruptcy petition. McRaney violated Rule 9011 by filing the Petition when a CM/ECF and/or PACER search, neither time nor

cost prohibitive, would have disclosed the 180-day refiling bar in the 2017 Case. The Court next considers the appropriate sanction to impose on McRaney.

Courts have considerable discretion in determining the appropriate sanction to impose upon a violating attorney. *Mercury Air Grp., Inc. v. Mansour*, 237 F.3d 542, 548 (5th Cir. 2001). McRaney's failure to conduct a reasonable investigation before filing the prohibited Petition imposed an undue burden on the Bank of Yazoo, this Court, its chambers, and the Bankruptcy Clerk's office. Neither the Bank of Yazoo nor any other creditor filed a motion seeking reimbursement of its reasonable attorney's fees and other expenses resulting from the violation. In the absence of such a motion, Rule 9011 directs the Court to limit monetary sanctions to an amount "sufficient to deter repetition of such conduct or comparable conduct by others similarly situated." FED. R. BANKR. P. 9011(c)(2). Here, the Court's primary goal is to require McRaney to "stop and think" before filing another prohibited petition for relief.

At the *Griffin* Show Cause Hearing, the Court admonished McRaney and ordered him to pay $250.00 as a monetary sanction with no appreciable effect. It is disappointing that in response to the Court's questions at the *Griffin* Show Cause Hearing, McRaney adamantly assured the Court that he had "talked to our chapter 13 and 7 ladies" to prevent any future prohibited filings. (*Griffin* Show Cause Hr'g at 10:28:11-10:29:49). Either he did not do so, or his "talk" was ineffective. (*Id.*). Regardless, it appears that even after the Court imposed monetary sanctions at the *Griffin* Show Cause Hearing, McRaney continued signing and filing bankruptcy petitions utilizing inadequately trained and improperly supervised staff. The Court, therefore, finds that the amount of the monetary sanction in the Current Case should be doubled to $500.00. As a separate, alternative ground, the Court awards the same monetary sanctions using its inherent power to sanction bad faith conduct pursuant to 11 U.S.C. § 105. In *Chambers v. NASCO, Inc.*, 501 U.S.

32 (1991), the Supreme Court held that federal courts possess the inherent power to sanction bad-faith litigation conduct that falls outside the scope of Rule 11 or 28 U.S.C. § 1927. Any repeated failure by McRaney to conduct a reasonable investigation before filing a petition for relief will result in progressively larger monetary sanctions. Any bankruptcy case filed by McRaney on behalf of a barred debtor after the date of the Hearing will demonstrate to the Court that he is incapable or unwilling to implement the steps necessary to prevent repeated violations of this Court's injunctions. If presented with that scenario, the Court will consider suspending McRaney from the practice of law in the bankruptcy courts of the Southern District of Mississippi for an extended period of time.

Conclusion

Because the Debtor was ineligible to file the Current Case, the Court finds that the Trustee's Motion to Dismiss and the Joinder should be granted and that the Debtor's Motion to Dismiss should be denied as moot. The Court further finds that McRaney's failure to perform any pre-filing investigation when the Dismissal Order in the 2017 Case could be obtained quickly and easily from a simple computer search violated his affirmative duty under Rule 9011 to conduct a reasonable inquiry. *In re Oliver*, 323 B.R. at 774 ("[A] lawyer should be something more than a mere scrivener for [his] client."). Given that the Court recently sanctioned McRaney $250.00 for the same misconduct, the Court finds that monetary sanctions of $500.00 are warranted under these circumstances. Because the Debtor did not share any responsibility for the prohibited filing, the Court declines to award any sanctions against him individually.

IT IS, THEREFORE, ORDERED that the Trustee's Motion to Dismiss and the Joinder are hereby granted.

IT IS FURTHER ORDERED that the Debtor is hereby barred under 11 U.S.C. § 109(g) from filing any bankruptcy case within 180 days of this Order. For clarity, the Court hereby prohibits the Debtor from filing any new bankruptcy case until December 12, 2019. Should the Debtor file a bankruptcy petition before December 12, 2019, the automatic stay shall not apply to the Residential Property under 11 U.S.C. § 362(4)(d), and the Bank of Yazoo shall be allowed to proceed with a foreclosure sale or other relief to enforce its lien.

IT IS FURTHER ORDERED that the Debtor's Motion to Dismiss is hereby denied as moot.

IT IS FURTHER ORDERED that no sanctions shall be imposed against the Debtor, and the Debtor Show Cause Order is hereby dismissed.

IT IS FURTHER ORDERED that McRaney is hereby sanctioned in the amount of $500.00 and shall pay that amount to the Bankruptcy Clerk within fourteen (14) days of the entry of this Order. No portion of the monetary sanction shall be in any way charged against the Debtor. Upon full payment of the monetary sanction, the McRaney Show Cause Order shall be dismissed.

##END OF ORDER##