

SIGNED.



Dated: April 28, 2008

James M. Marlar
JAMES M. MARLAR
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re:) Chapter 7
JOHN J. BANKS,) No. 4:07-bk-01119-JMM
Debtor.) **MEMORANDUM DECISION**

On or about March 19, 2008, the Debtor filed a motion which asks this court to hold the State of Arizona in contempt of court for deducting, from his inmate account, the sum of \$191.67 as payment upon a discharged debt.¹

The State admits having done so, but explains that its Fiscal Services Unit was unaware of the Debtor's bankruptcy, and therefore, any violation was innocent. Importantly, it has also reversed the setoff, and re-credited said sum to the Debtor's account, after deduction for post-bankruptcy invoices of \$63.71. Thus, the Debtor's account has netted \$127.96, the extent of the financial harm suffered by the Debtor.

Aside from the knotty legal issues of whether this court has jurisdiction over the State, based on sovereign immunity grounds, the court finds that, by re-crediting the Debtor's account, and thereby curing the prohibited action, the issues raised by the Debtor have been rendered moot. Therefore, it is not necessary to address those issues in this relatively small case, since the disputed action has now been wholly corrected.

¹ This amount was set forth in the responsive affidavit of Lynda Wade, and was not contested by the Debtor in his reply.

1 As for the Debtor's additional concern that the State has deprived him of a sweat suit
2 and a religious medallion, this court is without jurisdiction to enter relief relative thereto. To the
3 extent, however, that it might arguably have such jurisdiction, the court finds and concludes that
4 such issues are *di minimus*² and therefore undeserving of judicial relief.

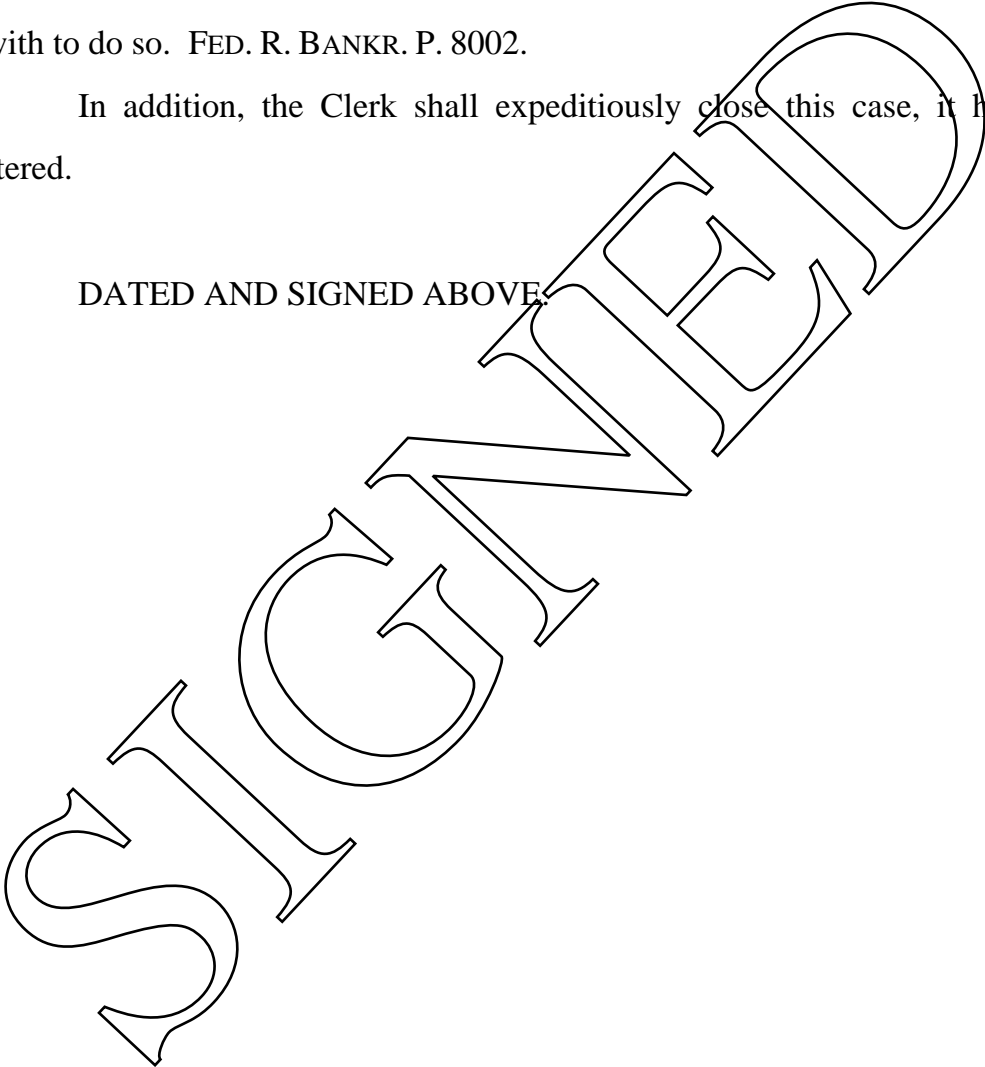
5 For the foregoing reasons, the Debtor's requests will be DENIED. A separate order
6 will be entered. FED. R. BANKR. P. 9021.

7 No further motions, for rehearing, reconsideration or the like, will be considered. If
8 filed, the Clerk is directed to return them to the Debtor, and not docket them. The Debtor's
9 remaining remedy, if any, is to appeal this matter. FED. R. BANKR. P. 8001, *et seq.* He has ten days
10 within with to do so. FED. R. BANKR. P. 8002.

11 In addition, the Clerk shall expeditiously close this case, it having been fully
12 administered.

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14 DATED AND SIGNED ABOVE.

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² *De minimus non curat lex* is a latin legal phrase which means, "The law does not concern itself with trifles." BLACK'S LAW DICTIONARY 464 (8th ed. 2004).

1 COPIES served as indicated below
2 on the date signed above:

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17 By /s/ M. B. Thompson
18 Judicial Assistant

SIGNED

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