

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

Joseph A. Unanue, et al. v. Ulpiano Unanue-Casal

No. 93-2186 · No. No. 93-2186 · Decided May 12, 1994

SUMMARY

The First Circuit summarily affirmed the district court's reversal of the bankruptcy court's refusal to lift the automatic stay under 11 U.S.C. § 362. The court relied on the district court's reasoning and rejected the appellant's remaining arguments as insubstantial, without addressing whether the appeal was moot.

OPINION

PER CURIAM.

USCA1 Opinion May 12, 1994 [NOT FOR PUBLICATION] [NOT FOR PUBLICATION]
UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT
_____ No. 93-2186 IN RE ULPIANO UNANUE-CASAL, a/k/a
CHARLES UNANUE, Debtor. _____ JOSEPH A. UNANUE, ET AL.,
Petitioners, Appellees, v. ULPIANO UNANUE-CASAL a/k/a CHARLES UNANUE,
Respondent, Appellant. _____ APPEAL FROM THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO [Hon.

Gilberto Gierbolini, U.S. District Judge] _____
Before Selya, Circuit Judge, _____ Coffin and Bownes, Senior Circuit Judges.
_____ Jan Alan Brody, with whom Carella,
Byrne, Bain, Gilfillan, _____ Cecchi,
Stewart & Olstein, William Vidal-Carvajal, and Hernandez _____
_____ & Vidal were on brief, for appellant. _____ Arturo J.
Garcia-Sola, with whom Jose R. Gonzalez-Irizarry _____
_____ and McConnell Valdes were on brief, for appellees Joseph A.
_____ Unanue, Frank Unanue, and Goya Foods, Inc. Michael R. Griffinger, with
whom Crummy, Del Deo, Dolan, _____
Griffinger & Vecchione and Guillermo A. Nigaglioni were on brief, _____
_____ for remaining appellees.

Per Curiam. This is the latest chapter in a dispute Per Curiam. _____ that has been litigated
with fierce tenacity by the debtor, Ulpiano Unanue-Casal, a/k/a Charles Unanue. See, e.g., In re
_____ Unanue-Casal, 998 F.2d 28 (1st Cir. 1993); Unanue-Casal v. _____
_____ Unanue-Casal, 898 F.2d 839 (1st Cir. 1990).

Although tenacity is _____ to be admired, it is sometimes misplaced. So it is here. We have carefully reviewed the voluminous record and the parties' briefs, and have duly considered the matters raised at oral argument.

In the end, we are persuaded that the district court did not err in reversing the bankruptcy court's refusal to lift the automatic stay, 11 U.S.C. 362. The district court's well-conceived opinion, see *In re Unanue Casal*, Civ. No. 92-1796 ____ _____ GG (D.P.R. Aug. 3, 1993) (unpublished), adequately elucidates the reasoning that is controlling on the central issue presented by this appeal, and no useful purpose would be served by rehearsing that reasoning.

Similarly, we see no basis for a remand to the bankruptcy court for further exploration of this issue. And, finally, appellant's other arguments are mere makeweights. We need go no further. Because this appeal presents no substantial question of law or fact, we summarily affirm the judgment below.¹ Affirmed. See 1st Cir. Loc. R. 27.1. Affirmed. See 1st Cir.

Loc. R. 27.1. _____ ¹We take no view of appellees' claim that the appeal is moot, as the appeal is impuissant in any event. ²