

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA

Clarence L. Roberts, et al. v. Bentarius Fonta Stewart, et al.

Roberts · No. CIVIL ACTION No. 22-00187-KD-MU · Decided February 9, 2026

SUMMARY

The United States District Court for the Southern District of Alabama stayed the action against Defendant Unlimited Deliveries, LLC because its Chapter 11 bankruptcy filing triggered the automatic stay under 11 U.S.C. § 362. The Court clarified that the automatic stay does not extend to non-bankrupt co-defendant Bentarius Fonta Stewart.

CASE DETAILS

COURT	United States District Court for the Southern District of Alabama
WRITING FOR THE COURT	Kristi K. DuBose
JURISDICTION	United States District Court for the Southern District of Alabama
DECIDED	February 9, 2026
DOCKET	CIVIL ACTION No. 22-00187-KD-MU
DISPOSITION	other
PROCEDURAL POSTURE	The court considered Defendant Unlimited Deliveries, LLC's suggestion of bankruptcy and its notice that it was subject to the automatic stay under 11 U.S.C. § 362.
PRECEDENTIAL VALUE	unknown
PARTIES	Clarence L. Roberts, et al. v. Bentarius Fonta Stewart, et al.

TOPICS

- automatic stay
- chapter 11
- bankruptcy
- civil procedure

PRACTICE AREAS

- Bankruptcy
- Civil procedure

QUESTIONS PRESENTED

1. Whether the commencement of Unlimited Deliveries, LLC's Chapter 11 bankruptcy case automatically stayed continuation of this action against Unlimited under 11 U.S.C. § 362(a).

2. Whether the automatic stay also applied to nonbankrupt co-defendant Bentarius Fonta Stewart.

HOLDINGS

1. The automatic stay under 11 U.S.C. § 362 became effective upon commencement of Unlimited Deliveries, LLC's Chapter 11 bankruptcy case and stayed continuation of this action against Unlimited, including enforcement of any prepetition judgment against Unlimited or property of the bankruptcy estate.
2. The automatic stay under 11 U.S.C. § 362(a) did not extend to nonbankrupt co-defendant Bentarius Fonta Stewart.

KEY QUOTATIONS

“This action against Unlimited is STAYED pending further order of the Court.” (Order)

“It is well-established that stays pursuant to § 362(a) are limited to debtors and do not encompass non-bankrupt co-defendants.” (Order)

FACTUAL BACKGROUND

Unlimited Deliveries, LLC, doing business as MK Trucking, was a defendant in this civil action and became a petitioner in a Chapter 11 bankruptcy case. It filed a suggestion of bankruptcy notifying the district court that the bankruptcy filing triggered the automatic stay.

PROCEDURAL HISTORY

During the pending civil action, Unlimited Deliveries, LLC notified the court that it had commenced a Chapter 11 bankruptcy case. The district court stayed the action against Unlimited pending further order but declined to extend the automatic stay to co-defendant Bentarius Fonta Stewart.

DISPOSITION

other

REMAND INSTRUCTIONS

The action against Unlimited Deliveries, LLC is stayed pending further order of the district court.

CASES CITED

- Am. Prairie Constr. Co. v. Hoich, 560 F.3d 780, 789 (8th Cir. 2009)

OPINION

Roberts

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

CLARENCE L. ROBERTS, et al.,) Plaintiffs,))

v.) CIVIL ACTION No. 22-00187-KD-MU

) BENTARIUS FONTA STEWART, et al.,) Defendants.)

ORDER

This action is before the Court on the Suggestion of Bankruptcy filed by Defendant Unlimited Deliveries, LLC d/b/a MK Trucking (“Unlimited”). (Doc. 174). Unlimited provides notice that it is a petitioner in a Chapter 11 bankruptcy case, “and is therefore subject to the automatic stay imposed by 11 U.S.C. § 362.” (Id.). Upon consideration, and for the reasons below, this action against Unlimited is STAYED pending further order of the Court. The automatic stay against Unlimited became effective upon its commencement of its Chapter 11 bankruptcy case. 11 U.S.C. § 362(a). This includes a stay on “the commencement or continuation . . . of a judicial . . . action . . . against the debtor that was or could have been commence before the commencement of the [bankruptcy case].” 11 U.S.C. § 362(a)(1). This also includes a stay on “the enforcement, against the debtor or against property of the estate, of a judgment obtained before the commencement of the [bankruptcy case].” 11 U.S.C. § 362(a)(2). However, the automatic stay does apply to Defendant Bentarius Fonta Stewart. See, e.g., *Am. Prairie Constr. Co. v. Hoich*, 560 F.3d 780, 789 (8th Cir. 2009) (“It is well-established that stays pursuant to § 362(a) are limited to debtors and do not encompass non-bankrupt co-defendants.”). DONE and ORDERED this 9th day of February 2026. /s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE