

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

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