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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:)
)
CATHY BLANCHE CORDERO,) Case No. 07-20629-B-13J
)
Debtor(s).) Docket Control No. FWK-1
) Date: March 27, 2007
)
) Time: 9:30 a.m.

On or after the calendar set forth above, the court issued the following ruling. The official record of the ruling is appended to the minutes of the hearing.

Because the ruling constitutes a "reasoned explanation" of the court's decision under the E-Government Act of 2002 (the "Act"), a copy of the ruling is hereby posted on the court's Internet site, www.caeb.uscourts.gov, in a text-searchable format, as required by the Act. However, this posting does not constitute the official record, which is always the ruling appended to the minutes of the hearing.

DISPOSITION AFTER ORAL ARGUMENT

Neither the respondent within the time for opposition nor the movant within the time for reply has filed a separate statement identifying each disputed material factual issue relating to the motion. Accordingly, both movant and respondent have consented to the resolution of the motion and all disputed material factual issues pursuant to FRCivP 43(e). LBR 9014-1(f)(1)(ii) and (iii).

The motion is granted to the extent set forth herein. As against the estate and the debtor, the automatic stay is modified pursuant to 11 U.S.C. §§ 362(d)(1) in order to permit the movant to

1 proceed with eviction. Movants purchased the debtor's residence at a
2 foreclosure sale on November 13, 2006. Movants recorded the trustee's
3 sale deed on November 16, 2006, and filed an unlawful detainer action
4 against the debtor on December 1, 2006. Movants obtained a judgment
5 in that proceeding on January 19, 2007. Eviction of the debtor was
6 halted by the filing of the debtor's bankruptcy petition on January
7 31, 2007.

8 The debtor's argument in opposition is not persuasive. The
9 debtor seeks by her opposition to attack the January 19, 2007 state
10 court judgment, in which the state court found that movants were
11 entitled to possession. This court, however, may not and does not
12 review the validity of the state court judgment. To do so would
13 violate the Rooker-Feldman doctrine. Rooker v. Fidelity Trust Co.,
14 263 U.S. 413, 44 S.Ct. 149, 68 L.Ed. 362 (1923); District of Columbia
15 Court of Appeals v. Feldman, 460 U.S. 462, 103 S.Ct. 1303, 75 L.Ed.2d
16 206 (1983); Exxon Mobil Corporation v. Saudi Basic Industries
17 Corporation, 544 U.S. 280, 125 S.Ct. 1517, 161 L.Ed.2d 454 (2005).

18 Furthermore, the debtor is precluded from now raising claims
19 she was required to raise in the state court unlawful detainer
20 proceeding. Under California law, "a final judgment, rendered upon
21 the merits by a court having jurisdiction of the cause, is conclusive
22 of the rights of the parties and those in privity with them, and is a
23 complete bar to a new suit between them on the same cause of action"
24 Goddard v. Security Title Insurance & Guarantee Co., 14 Cal.2d 47, 51
25 P.2d 804, 806 (Cal. 1939). See also 7 Witkin, Cal. Proc. 4th
26 Judgments, § 348 (1997 & Supp. 2006). It is undisputed that the
27 January 19, 2007, state court judgment is final. It was not appealed
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1 and the time to do so has run. It is evident from the January 19,
2 2007 order that the Sacramento County Superior Court found that
3 movants were entitled to possession of the debtor's residence. Debtor
4 was required to raise any claim that movants were not entitled to
5 possession in that proceeding.

6 The court does not now grant relief from the automatic stay
7 to permit collection of any damages that have been or may be awarded
8 against the debtor.

9 Because the movant has not established that it is the holder
10 of an allowed secured claim, the court awards no fees and costs. 11
11 U.S.C. § 506(b).

12 The 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is
13 not waived.

14 Except as so ordered, the motion is denied.

15 The court will issue a minute order.

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