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8 **UNITED STATES BANKRUPTCY COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **LOS ANGELES DIVISION**

11  
12 In re:

13 Oma McConnell

14  
15 Debtor(s).

CHAPTER 7

Case No.: 2:14-bk-14501-BB

Adv No: 2:14-ap-01420-BB

16 **REPORT AND RECOMMENDATION TO**  
17 **DISTRICT COURT FOR WITHDRAWAL OF**  
18 **REFERENCE AS TO DETERMINATION OF**  
19 **CRIMINAL CONTEMPT**

18 Bob Atchison

19 Plaintiff(s),

20 v.

21  
22 Oma McConnell

23 Defendant(s).

Date: October 8, 2015

Time: 10:00 AM

Courtroom: 1475

24  
25 Because criminal contempt matters under 18 U.S.C. § 401(3) and Rule 42 of the  
26 Federal Rules of Criminal Procedure must be tried by the District Court, rather than the  
27 Bankruptcy Court, see In re Dyer, 322 F.3d 1178 (9<sup>th</sup> Cir. 2003), and because this Court  
28 believes that the facts of this case warrant consideration of prosecution for criminal

1 contempt, the Court hereby recommends that the District Court *sua sponte* withdraw the  
2 reference with respect to criminal contempt matters in the above adversary proceeding  
3 pursuant to 28 U.S.C. § 157(d) for the limited purpose of considering criminal contempt  
4 proceedings against debtor Oma McConnell, aka Oma Hamou, aka Alexandra  
5 McConnell (“Debtor”).

6 I

7 **PROCEDURAL HISTORY**

8 Debtor filed a voluntary chapter 7 petition commencing the above bankruptcy  
9 case (the “Case”) on March 10, 2014.<sup>1</sup> On June 20, 2014, plaintiff Bob Atchison  
10 (“Plaintiff”) commenced the above adversary proceeding (the “Action”) by filing a  
11 complaint against Debtor (the “Complaint”) [Docket No. 1<sup>2</sup>]. In the Complaint, Plaintiff  
12 sought, among other things:

- 13 1. a determination that his prepetition Texas state court judgment against Debtor  
14 for \$13,859.99 (the “Texas Judgment”) should be excepted from discharge  
15 under Bankruptcy Code sections 523(a)(2)(A);
- 16 2. a determination that Debtor had defamed Plaintiff and that his damages for  
17 defamation should be excepted from discharge under Bankruptcy Code  
18 section 523(a)(6);
- 19 3. a determination that Debtor should be barred from obtaining a discharge  
20 under Bankruptcy Code section 727(a)(4) based on false oaths that she made  
21 in her bankruptcy schedules;

22  
23 <sup>1</sup> This is actually the third bankruptcy case filed by the Debtor within a four-year period. Her first bankruptcy case,  
24 no. 10-37839-VZ, filed July 10, 2010 – a chapter 13 case -- was dismissed at Debtor’s request. The second case,  
25 no. 12-17945-ER, filed March 5, 2012, was initially dismissed based on Debtor’s failure to file schedules in a timely  
26 manner, but was reinstated at Plaintiff’s request, as he had obtained an order compelling Debtor to appear for a 2004  
27 examination and wanted to proceed with that examination. Debtor opposed that request and the bankruptcy judge  
28 before whom the case was pending dismissed the bankruptcy to permit Plaintiff to pursue his state law remedies. At  
the time she filed the instant bankruptcy Case, Debtor requested and obtained permission to pay her filing fee in  
installments. She paid two of the three installments, but not the third, and the Court issued an order to show cause  
why the Case should not be dismissed. As they had already filed nondischargeability actions against her by that  
point, Plaintiff and another creditor of the estate took the extraordinary step of paying the remainder of the Debtor’s  
filing fee so that the Case would not be dismissed.

<sup>2</sup> Unless otherwise noted, docket numbers refer to items on the docket in adversary proceeding no. 2:14-ap-01420-  
BB.

- 1 4. a determination that Debtor is a vexatious litigant; and
- 2 5. a permanent injunction barring Debtor and anyone acting on her behalf from
- 3 posting false and defamatory matter about him on the internet and requiring
- 4 Debtor to remove any such material from any website over which she has
- 5 control.

6 Debtor failed to file a timely response to the Complaint and, on August 1, 2014,  
7 the Clerk entered her default in the Action. [Docket No. 6.] Debtor then moved  
8 repeatedly, but ultimately unsuccessfully, to have her default set aside. See Order  
9 Denying Motion for Relief from Default and Setting Dates, Docket No. 37, entered  
10 December 29, 2014.

11 Plaintiff moved for entry of a default judgment in the Action on March 10, 2015  
12 [Docket No. 40]. In its order entered April 13, 2015 (the "April Order") [Docket No. 49],  
13 the Court, among other things:

- 14 1. granted judgment for Plaintiff declaring the Texas Judgment
- 15 nondischargeable under section 523(a)(2)(A);
- 16 2. granted judgment for Plaintiff for defamation under section 523(a)(6) and
- 17 awarded nominal damages of \$100;
- 18 3. entered a permanent injunction restraining and prohibiting Debtor from
- 19 posting, publishing or disseminating online or in any other manner under her
- 20 own name or any alias or "handles" any comments concerning Plaintiff
- 21 asserting that he:
  - 22 a. Has planned, committed, or participated in any crime;
  - 23 b. Is or has been involved in any criminal conspiracy;
  - 24 c. Is or has been under investigation by any federal, state, or local law
  - 25 enforcement agency;
  - 26 d. Has lied to or submitted forged documents to any judicial or
  - 27 investigative agency;
  - 28 e. Has committed perjury or submitted forged documents to obtain orders

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or judgments against Defendant Oma McConnell, also known as Oma Hamou;

- f. Is or has been the target of any anticipated arrest or criminal prosecution;
- g. Has solicited donations for a Russian museum and pocketed the proceeds;
- h. Has defied the orders or reprimands of any court;
- i. Has been the object of any final protective or restraining order concerning Defendant Oma McConnell, including but not limited to any alias used by Defendant Oma McConnell;
- j. Has removed any objects or materials from any museum or public or private institution without permission;
- k. Is held in disrepute by officials or employees of any government, organization, or institution;
- l. Is a sociopath or has any other psychological condition;
- m. Is considered mentally unstable, a criminal, liar, con man and troublemaker by the Russian government who will be denied entry into Russia as a result;
- n. Is considered mentally unstable, a criminal, liar, con man and troublemaker by the Orthodox Church of Russia who will have nothing to do with Plaintiff Bob Atchison as a result; or,
- o. Has threatened to or taken action to harm, stalk, menace, cheat or defraud Defendant Oma McConnell either himself or through any third party.

4. ordered Debtor to take down, remove and make unavailable online any posting or published or disseminated comment concerning Plaintiff Bob Atchison over which she has control or the ability to remove such matter

1 asserting any of the matters set forth above in paragraphs 3(a)  
2 through (o):

3 5. denied Plaintiff's request that Debtor's discharge be barred under section  
4 727(a)(4); and

5 6. set a schedule for further briefing and a hearing on Plaintiff's request that  
6 Debtor be declared a vexatious litigant.

7 April Order, Docket No. 49.

8 Thereafter, the Court entered (1) an order granting Plaintiff's request that Debtor  
9 be declared a vexatious litigant [Order on Motion for Determination of Vexatious Litigant  
10 Status of Debtor Oma McConnell, etc (the "Vexatious Litigant Order") Docket No. 76,  
11 entered May 18, 2015<sup>3</sup>] and (2) a judgment in the Action that permanently enjoined the  
12 same conduct enjoined by the April Order. Judgment by Default Against Defendant  
13 Oma McConnell, Docket No. 75, entered May 18, 2015.

14 II

15 **CONTEMPT PROCEEDINGS**

16 On May 21, 2015, Plaintiff moved for entry of an order to show cause why Debtor  
17 should not be held in contempt for violating the April Order by failing to remove  
18 defamatory matter that she had posted on the internet. See Notice of Motion and  
19 Motion for Order to Show Cause Why Debtor Oma McConnell Should not be Held in  
20 Contempt for Violation of Court Order of April 13, 2015 (the "First Contempt Motion"),  
21 Docket No. 81. The Court conducted a hearing on the First Contempt Motion on June  
22 16, 2015, and, following that hearing, issued its June 23, 2015 "Order on Motion for  
23 OSC Why Debtor Oma McConnell Should Not be Held in Contempt of Court for  
24 Violation of Court Order of April 13, 2015 (the "First Contempt Order"). The Court found  
25 at the hearing on the First Contempt Motion that Debtor did not promptly comply with  
26 the April Order by removing all defamatory matter described in the April Order and that,  
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28 \_\_\_\_\_  
<sup>3</sup> The findings of fact set forth in Exhibit A to the Vexatious Litigant Order describe in detail the basis for this Court's conclusion that Debtor is a vexatious litigant.

1 as a result, Plaintiff had been compelled to bring the motion to obtain compliance with  
2 the April Order. Accordingly, the Court held Debtor in contempt and ordered her to pay  
3 the attorneys' fees and costs that Plaintiff had incurred in bringing the First Contempt  
4 Motion (\$3,780).<sup>4</sup> Defendant did not pay any portion of these amounts.<sup>5</sup>

5 On July 3, 2015, Plaintiff brought a second motion for an order to show cause  
6 why Debtor should not be held in contempt for further violations of the April Order (the  
7 "Second Contempt Motion"). [Docket No. 112.] **This is the motion that eventually led**  
8 **to the issuance of this Report and Recommendation.**

9 In the Second Contempt Motion, Plaintiff asserted that Debtor had violated the  
10 April Order by failing to remove defamatory material from websites over which she had  
11 control and by continuing to post defamatory matter under assumed names. The Court  
12 conducted a hearing on the Second Contempt Motion on July 28, 2015 at 2:00 p.m. At  
13 that hearing, the Court found that there was sufficient cause to believe that Debtor was  
14 continuing to violate the April Order and issued its July 28, 2015 "Order to Show Cause  
15 Why Oma McConnell Should Not be Held in Contempt for Further Violations of this  
16 Court's April 13, 2015 Order" (the "OSC") [Docket No. 117].

17 The OSC directed Debtor to appear on October 8, 2015 at 10:00 a.m. for an  
18 evidentiary hearing at which time the Court would determine whether she should be  
19 held in contempt or further sanctioned for having violated the April Order in the manner  
20 alleged in the Second Contempt Motion. The OSC also directed the clerk to issue and  
21 deliver to Debtor two blank subpoenas (the "Subpoenas") that Debtor had requested to  
22 enable her to serve discovery requests on AOL and Google. According to Debtor's  
23 July 20, 2015 Letter Memorandum, Docket No.114, Debtor wanted these subpoenas in  
24 order to obtain proof that she was not responsible for various defamatory postings  
25  
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27 <sup>4</sup> By the time of the hearing on the First Contempt Motion, however, Plaintiff was only able to locate one posting  
28 that Debtor had not removed. Debtor claimed at that hearing that she was unable to delete the defamatory material  
from her Google Plus profile. Judge Bluebond required Debtor to provide login information for that profile and  
successfully removed the defamatory material during the course of the hearing.

<sup>5</sup> See Declaration of Bob Atchison, Docket No. 112, p. 13, at lines 26-27, & p. 15, line 23.

1 identified by Plaintiff and information concerning a particular May 15, 2015 email sent  
2 either to or from one of her email addresses.

3 Paragraph 5 of the OSC directed Debtor to file and serve not later than  
4 September 24, 2015 any documents that she obtained in response to the Subpoenas,  
5 together with one or more declarations that provide a foundation for the admission of  
6 such documents into evidence, and any other evidence that she wished to present in  
7 response to the OSC. The OSC expressly advised Debtor that, if the Court found that  
8 she had continued to violate the April Order, it might (1) hold her in civil contempt and  
9 direct that she be incarcerated until she complies with the April Order; (2) issue a report  
10 and recommendation to the District Court that it withdraw the reference, hold her in  
11 criminal contempt and direct that she be incarcerated for a period of not less than 90  
12 days; and/or (3) impose additional monetary sanctions on Debtor to compensate  
13 Plaintiff for costs attributable to Debtor's violations of the April Order. See OSC, Docket  
14 No. 117, p. 2, at lines 7 through 15 & lines 22-25.

### 15 III

#### 16 REQUESTS FOR CONTINUANCE

17 Debtor did not file any evidence or other opposition or response to the OSC.  
18 Instead, Debtor filed a series of unsupported motions requesting a continuance of the  
19 October 8, 2015 hearing on the OSC (the "October 8 Hearing"). The first such motion  
20 was filed on September 9, 2015 [Docket No. 119], was one paragraph in length, was  
21 signed by the Debtor and read as follows:

22 I have spent an enormous amount of time as a patient at several hospitals  
23 related to my head. I will endure an operation to remove the object. I have been  
24 very ill, I lack any strength and am in constant pain. I am currently under the care  
25 of several [obliterated word] physicians related to my illness as such I am not  
26 prepared to represent myself at the October 8, 2015 hearing and respectfully  
27 requests a 30 day continuance. I can and would be able to provide this Court  
with records of my illness and pending surgery under the laws governing both the  
State of California and the United States of America that the information I have  
provided contained within this Declaration is true.

28 On September 11, 2015, Debtor filed her "Amended Declaration of Oma

1 McConnell in Support of Request for a Continuance on 10/8/2015 Hearing.” [Docket  
2 No. 120.] That document, signed by the Debtor, read as follows:

3 I, OMA McCONNELL, under the penalty of perjury under the laws governing both  
4 the State of California and the United States of America that the forgoing is true  
5 and correct.

- 6 1. I have a rare and large tumor growing inside of my head.
- 7 2. I have been undergoing scores of testing under the care and supervision of  
8 several licensed physicians.
- 9 3. I have been told this tumor will kill me if it is not removed.
- 10 4. I have been told the removal of this tumor will increase my chances of survival.
- 11 5. I have been a patient in more than one hospital.
- 12 6. It is anticipated that in the coming days I will undergo surgery to remove the  
13 tumor.
- 14 7. Due to my health crisis I have been unable to concentrate on my bankruptcy  
15 case and or any other legal matter and or private matter in my life.
- 16 8. I request a continuance on the court hearing scheduled on 10/8/2015 due to  
17 my illness (es) has greatly impeded my ability to properly attend to any matter  
18 related to this court hearing.
- 19 9. I lack the strength which is required to focus on this adversary proceedings.
- 20 10. It has been difficult to maintain sanity enough to not break down in tears  
21 every second of these overwhelming and seemingly insurmountable tasks ahead  
22 of me.

23 On September 16, 2015, the Court entered its “Order Denying Debtor’s Request  
24 for a Continuance of October 8, 2015 Order to Show Cause Hearing.” [Docket No.  
25 121.] In that order, the Court explained that Debtor had not provided any corroborating  
26 evidence to support the factual contentions made in the declaration and that the  
27 Debtor’s need to attend to a medical condition does not constitute cause to permit her to  
28 continue to violate the April Order.

On September 18, 2015, Debtor moved for reconsideration of her request for a  
continuance. See Reconsideration for a Continuance, Docket No. 123. Although this  
document is 14 pages in length, includes numerous excerpts/printouts that the  
memorandum describes as web postings, see Docket No. 123, at page 4, lines 15-21,  
and contains legal argument, it does not contain any evidence under penalty of perjury  
concerning Debtor’s medical condition and does not demonstrate that Debtor would be  
unable to appear on October 8, 2015. Accordingly, on September 24, 2015, the Court

1 again denied Debtor's request for a continuance, this time "with prejudice." See Order  
2 Denying Debtor's Request for Reconsideration of Order Denying Continuance of the  
3 October 8, 2015 Order to Show Cause Hearing, Docket No. 125.

4 On October 6, 2015, Debtor personally delivered to the Court for filing docket  
5 nos. 128 and 129, namely, a Motion for Leave to Appeal the Court's orders denying her  
6 requests for continuance and a Notice of Appeal and Statement of Election to have her  
7 appeal heard by the Bankruptcy Appellate Panel. At that time, she advised Court staff  
8 that she would not be appearing at the October 8 Hearing. The Court referred Debtor's  
9 filings to the Bankruptcy Appellate Panel for further handling.

10 Debtor failed to appear at the hearing on the OSC on October 8, 2015 at 10:00  
11 a.m.<sup>6</sup> Based on the foregoing, the Court found that Debtor failed to establish that her  
12 medical condition had prevented her from either filing a written response to the OSC in  
13 a timely manner or from appearing at the October 8 Hearing.<sup>7</sup> Debtor demonstrated  
14 repeatedly throughout the period from July 28, 2015 through October 8, 2015 that she  
15 had the ability to prepare and file papers with the Court and to appear in Court when  
16 she chose to do so.

17 Accordingly, the Court proceeded with its October 8, 2015 Hearing  
18 notwithstanding Debtor's absence. Based on the evidence adduced at that hearing, the  
19 Court makes the following findings of fact and conclusions of law.

#### 20 IV

#### 21 FINDINGS OF FACT AND CONCLUSIONS OF LAW

22 1. As of July 2, 2015, the following web pages were active and contained  
23 material of the kind that Debtor was restrained from posting, publishing or decimating  
24  
25

26 <sup>6</sup> She did, however, telephone Judge Bluebond's law clerk *from inside the courthouse* on the afternoon of October  
27 8, 2015 to ask what had happened at the 10:00 a.m. hearing that day. She was observed making this telephone call  
28 by a member of Judge Bluebond's staff who recognized her from her multiple prior appearances in court.

<sup>7</sup> The Court also took judicial notice during the course of the October 8, 2015 hearing that Debtor had publically  
announced that her surgery had been completed before October 8: a Twitter user named Oma Hamou, whose profile  
picture is that of the Debtor, tweeted on October 5, 2015 that her surgery had been a success.

1 (“Defamatory Material”) that she was required by the April Order to take down, remove  
2 or make unavailable if she had the ability or the control necessary to do so:

- 3 a. <http://bobatchisonlies.blogspot.com/> [see Declaration of Barry R. Wegman  
4 to Second Contempt Motion, Docket No. 112 (the “Wegman Declaration”),  
5 p. 17, par. 7 & Exhibit F thereto];
- 6 b. <http://alexanderpalaceobsession.blogspot.com/> [see Wegman Declaration,  
7 p. 17, par. 8 & Exhibit G thereto];
- 8 c. [http://bobatchisonsalexanderpalace.blogspot.com/2006/11/reality-of-bob-  
9 atchison-and-pallasart.html](http://bobatchisonsalexanderpalace.blogspot.com/2006/11/reality-of-bob-atchison-and-pallasart.html) [see Wegman Declaration, p. 17, par. 9 &  
10 Exhibit H thereto]; and
- 11 d. <http://theaustinwineguy-robmoshein.blogspot.com/> [see Wegman  
12 Declaration, p. 17, par. 10 & Exhibit I thereto].

13 2. As of July 3, 2015, the following web pages were active and contained  
14 copies of pleadings that Debtor has filed in the Action that include Defamatory Material,  
15 namely, Docket Nos. 17 and 19 and the exhibits to Docket No. 21:

- 16 a. <http://www.yumpu.com/user/tsarskoye> [see Wegman Declaration, p. 18,  
17 par. 14]; and
- 18 b. [http://www.scribd.com/doc/246144570/Bob-Atchison-of-the-Alexander-  
19 Palace-Time-Machine-Opposition](http://www.scribd.com/doc/246144570/Bob-Atchison-of-the-Alexander-Palace-Time-Machine-Opposition) [see Wegman Declaration, p. 18, par.  
20 14].

21 3. The Court visited each of the above websites during the course of the  
22 October 8 Hearing and during the preparation of this Report and Recommendation and  
23 confirmed that each of these webpages was still active and accessible on both of these  
24 occasions.

25 4. Debtor either posted the Defamatory Material on the websites listed in  
26 findings 1 and 2 above (the “Websites”) or has the ability to direct the removal of the  
27 Defamatory Material from each of the Websites as evidenced by the following:  
28

1 a. An individual identified as “Justin Edwards” posted the Defamatory  
2 Material on the website identified in finding 1(a). Justin Edwards is listed as the  
3 Tech for the websites OmaHamou.com and Sarskaia.org, which are websites  
4 registered to Debtor under Debtor’s name, with the same mailing address as  
5 Debtor and an email address at Enigma Films, which is the name of the company  
6 that Debtor operates. Declaration of Barry E. Wegman, Docket No. 127 (the  
7 “Second Wegman Declaration”), Exhibits L & M.

8 b. An individual using the screenname, “Sandman,” posted the  
9 Defamatory Material on the websites identified in findings 1(b) and 1(d).  
10 However, these postings are replete with statements by Debtor in the first  
11 person. And it is inconceivable that anyone other than the Debtor or someone  
12 acting at her direction would devote significant time or energy to the posting of  
13 such material. Either Sandman is the Debtor, or Sandman is posting this  
14 material on the Debtor’s behalf. It cannot be that Sandman is doing so without  
15 Debtor’s cooperation and assistance. Therefore, it is within her control to stop  
16 making statements to Sandman for him to post. Further, at least one of the posts  
17 on the website identified in finding 1(b) reflects an edit by Oma Hamou on April  
18 27, 2014 with a notation that she made a correction to the post. See Exhibit K, p.  
19 0128 (the last page). If she has the ability to edit posts on this site, she has the  
20 ability to delete the Defamatory Material entirely. It is worthy of note too that,  
21 although the Court gave Debtor a subpoena to use to obtain information to  
22 support her contention that she does not use or control the screenname  
23 Sandman, she has failed to offer any such evidence.

24 c. An individual using the screenname, “Pushkinrocks” posted the  
25 Defamatory Material on the website identified in finding 1(c). See Exhibit H, p.  
26 0087 (the second to last page). However, these postings are replete with  
27 statements by Debtor in the first person. And it is inconceivable that anyone  
28 other than the Debtor or someone acting at her direction would devote significant

1 time or energy to the posting of such material. Either Pushkinrocks is the Debtor,  
2 or Pushkinrocks is posting this material on the Debtor's behalf. Therefore, it is  
3 within her control to stop making statements to Pushkinrocks and to direct him to  
4 delete statements that have already been posted concerning this matter. It is  
5 worthy of note too that, although the Court gave Debtor a subpoena to use to  
6 obtain information to support her contention that she does not use or control the  
7 screenname Pushkinrocks, she has failed to offer any such evidence.

8 d. An individual using the screenname "Tsarskoye" posted the pleadings  
9 containing Defamatory Material on the website identified in finding 2(a). In an  
10 attachment to a letter that she sent to counsel for Plaintiff, Exhibit C to the  
11 Second Contempt Motion, at page 0031, Debtor identifies Tsarskoye as her user  
12 name.

13 e. The website identified in finding 2(b) above states that the material on  
14 that page was "Published by Oma Hamou."

15 f. Although there is a privilege to make defamatory statements in court  
16 papers and testimony under California Civil Code § 47, that privilege does not  
17 extend to posting such papers outside the courthouse. The materials posted on  
18 the website identified in findings 2(a) and 2(b) above do not fall within this  
19 privilege.

20 5. By failing and refusing to take the steps necessary to cause the Defamatory  
21 Material to be removed from the websites identified in findings 1 and 2 above, Debtor  
22 has willfully violated the terms of this Court's April Order.

23 6. Plaintiff has been required to incur attorneys' fees and costs of not less than  
24 \$4,297.50 and \$60, respectively, in prosecuting the Second Contempt Motion to compel  
25 compliance with the April Order. These costs are reasonable and appropriate for the  
26 services rendered. Additional monetary sanctions should be imposed on Debtor in  
27 these amounts to compensate Plaintiff for the cost of bringing and prosecuting the  
28

1 Second Contempt Motion. A separate order to this effect will be entered concurrently  
2 herewith.

3 **V**

4 **RECOMMENDATION**

5 Debtor is well aware of this Court's April Order and what it requires. She has  
6 acknowledged as much in open court on not less than two occasions. She has been  
7 told repeatedly that she must stop making defamatory statements about Plaintiff and  
8 that she must take all steps within her control to delete any and all defamatory material  
9 that she has already posted on the internet about Plaintiff. She has not done this,  
10 notwithstanding repeated instructions to do so. Instead, Debtor has devoted her  
11 energies to efforts to avoid having to appear in response to the Second Contempt  
12 Motion.

13 This Court has attempted to obtain compliance with the April Order by imposing  
14 monetary sanctions for civil contempt, but this has not had the intended effect. And  
15 although the Court could again hold Debtor in civil contempt and direct that she be  
16 incarcerated until the offending posts have been removed, based on its past experience  
17 with the Debtor, this Court believes that, once Debtor was released from custody, she  
18 would simply return to posting defamatory material again. Debtor needs to be shown  
19 that compliance with Court orders that have not been stayed or reversed on appeal is  
20 not optional. Unfortunately, this Court is of the opinion that, nothing short of a finding of  
21 criminal contempt and a limited period of incarceration is likely to communicate this  
22 message effectively to the Debtor. And this Court lacks the authority to hold a party in  
23 criminal contempt and order incarceration for punitive purposes.

24 Pursuant to 28 U.S.C. § 157(a), the District Court has issued a standing order  
25 generally referring all cases under title 11 and all proceedings arising under, arising in  
26 or related to cases under title 11 to the bankruptcy judges for the Central District of  
27 California. However, the District Court is authorized by 28 U.S.C. § 157(d) to withdraw,  
28 in whole or in part, the reference as to any case or controversy "for cause shown." See

1 Fed. R. Bankr. P. 5011(a) and 9033. This Court respectfully submits that the foregoing  
2 facts, coupled with the Bankruptcy Court's lack of authority to hear and determine  
3 criminal contempt matters, constitute sufficient cause within the meaning of this section  
4 for the District Court to withdraw the reference to the extent set forth below. Accordingly,  
5 the Court recommends:

6 1. that the District Court *sua sponte* withdraw, in part, the reference pursuant to  
7 28 U.S.C. § 157(d) for the limited purpose of considering criminal contempt proceedings  
8 against debtor Oma McConnell, aka Oma Hamou, aka Alexandra McConnell; and

9 2. that the District Court find Debtor guilty of criminal contempt and sentence her  
10 to be incarcerated for a period of 90 days or such other period as the District Court may  
11 deem appropriate.

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25 Date: October 16, 2015



Sheri Bluebond  
United States Bankruptcy Judge