

In re: JAMES F. WALKER, Debtor.

CASE NO.: 03-32158-BKC-PGH

The Court denied Debtor's Motion for a criminal referral to the United States Attorney of corporate creditor's president based upon his perjurious testimony before the Court. The Court held that the Bankruptcy Investigation Statute, 18 U.S.C. §3057 did not permit anyone other than a judge, receiver, or trustee to make such a referral. A criminal referral by the Court was determined to be inappropriate because there was no evidence that creditor violated 18 U.S.C. §151 *et. seq.*, by attempting to conceal assets or otherwise engage in bankruptcy fraud. The Court also denied monetary sanctions pursuant to 11 U.S.C. §105(a). The Court had previously imposed severe sanctions for discovery abuses by striking creditor corporation's proof of claim. The Court found that imposition of additional monetary sanctions was not warranted.