

June 7, 2004

Charles R. Fulbruge III  
Clerk

In the  
United States Court of Appeals  
for the Fifth Circuit

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m 03-21032  
Summary Calendar

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IN THE MATTER OF:  
C.L. GARLAND,

Debtor.

FIRST CAPITAL INTEREST, L.L.C.,

Appellant,

VERSUS

C. L. GARLAND,

Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
m H-03-CV-244

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Before SMITH, DEMOSS, and STEWART,  
Circuit Judges.

PER CURIAM:\*

First Capital Interest, L.L.C. (“First Capital”), appeals a district court judgment affirming an order of the bankruptcy court denying a motion to ratify a sale of real property. First Capital raises one issue: “Does the automatic stay of 11 U.S.C. § 362 prevent a foreclosure of a lien to secure a criminal bond forfeiture?”

First Capital concedes that, as the district court held, this issue is controlled by *Hickman v. Texas (In re Hickman)*, 260 F.3d 400 (5th Cir. 2001). First Capital argues, however, that, for various reasons, *Hickman* is wrongly decided.

Absent circumstances not present here, one panel of this court cannot overrule another. *United States v. Darrington*, 351 F.3d 632, 634 (5th Cir. 2003). The judgment of the district court, accordingly, is AFFIRMED.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.