

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 92-1783
Summary Calendar

IN THE MATTER OF: JAMES R. BORGELT, SR.,
JAMES R. BORGELT, SR.,

Debtor,
Appellant,

VERSUS

JOHN J. JENKINS, Trustee of
Miller Personnel, Inc., and IRS,

Appellees.

Appeal from the United States District Court
For the Northern District of Texas

(3:92 CV 0044 X)

(March 31, 1993)

Before HIGGINBOTHAM, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

We have carefully considered the briefs, the reply brief, the record excerpts, and the relevant portions of the record itself; and, having determined that the findings of the bankruptcy court

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

(1) that notice and hearing requirements have been met, (2) that "cause" within the meaning 11 U.S.C. § 1307(c) exists, and (3) that creditors would be better served by having the assets placed in the hands of a Chapter 7 trustee, are each not clearly erroneous; and, having concluded that the order of the United States District Court affirming the order of the bankruptcy court converting the case from Chapter 13 to a case under Chapter 7, contains no reversible error;

We therefore AFFIRM the judgment of the trial court. See In re Vieweg, 80 B.R. 838 (Bankr. E.D. Mich. 1987); In re Tatsis, 72 B.R. 908 (Bankr. W.D.N.C. 1987); In re Gaudet, 61 B.R. 349 (Bankr. D.R.I. 1986); In re Powers, 48 B.R. 120 (120 Bankr. M.D. La. 1985); and In re Jacobs, 43 B.R. 971 (Bankr. E.D.N.Y. 1984).