IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-4693
(Summary Calendar)

IN THE MATTER OF: HOWARD & JANICE YONCE,

Debtors,

MICHAEL B. SUFFNESS,

Appellant,

versus

HOWARD & JANICE YONCE,

Appellees.

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

(92-CV-48)

(November 19, 1992)

Before KING, DAVIS and WIENER, Circuit Judges.

PER CURIAM:[*]

Proceeding pro se, Appellant Michael B. Suffness, an Attorney at Law, appeals the district court's affirmation of rulings of the

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[*]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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

bankruptcy court, i.e., its Order Affirming the Final Order of the Bankruptcy Court denying Suffness's Application for Final Allowance of Compensation and Reimbursement of Expenses, and the Order Denying Motion for Reconsideration of Final Allowance of Compensation and Reimbursement Expenses. Finding no reversible error, we affirm.

Suffness had been counsel for Debtors/Appellees Howard and Janice Yonce in their Chapter 13 bankruptcy. He filed pleadings on their behalf to convert the proceedings to Chapter 11. Thereafter, the Debtors terminated the services of Suffness, picked up their files, and retained new counsel. Suffness promptly filed the necessary pleadings to withdraw as counsel and applied for court approval of fees and costs. (Suffness vigorously denies allegations that he filed the pleadings to convert the bankruptcy to Chapter 11 "apparently" without authority of his clients; for the sake of argument only, we assume the accuracy of his denial of such allegations, principally because the fact is immaterial to our consideration.)

Admittedly through his fault alone, Suffness failed to appear at the hearing scheduled by the bankruptcy court for consideration of his application. When he discovered his mistake, Suffness telephoned to explain his absence and asked for postponement or rescheduling of the hearing. The court refused the request, considered the matter as scheduled, and rejected Suffness's application as to all amounts claimed except for $400. Suffness complains of the court's proceeding to hold the hearing as

scheduled, and of the decision made by the court.

The decision of the court to continue the hearing as scheduled despite the absence of Suffness is reviewed for abuse of discretion. We find no such abuse here. Moreover, as all pertinent data was before the court, we are not prepared to say that Suffness suffered undue prejudice by missing the opportunity to participate "live" in that hearing--again, through his own negligence.

On the merits, Suffness relies extensively on the fact that his final application for fees and costs was essentially identical to his earlier application, to which neither his clients nor the trustee had objected. Although that observation is interesting, it is insufficient to carry the day for Suffness. Our review of the record satisfies us that no factual findings by the bankruptcy court in the instant case were clearly erroneous.

Bankruptcy courts are allowed broad discretion in determining the quantum of fees allowable to counsel from the estate of debtors under circumstances such as those in the instant case. Given the facts found by the bankruptcy court and its application of those facts to reach its conclusion of the proper award to Suffness, we cannot say that there was an abuse of discretion--particularly in light of that court's negative characterization of the quality of professional services received by the Debtors.

Similarly, the grant or denial of a motion for reconsideration under Fed.R.Civ.P. 60(b) is within the discretion of the court. We find no abuse by the court of its discretion in denying Suffness's

motion for reconsideration.

Counsel for Debtors did not favor us with a brief on appeal. Nevertheless, having considered the arguments made by Suffness in his appellate brief and having carefully reviewed the record presented to us on appeal, we find no reversible error by the district court in affirming the rulings of the bankruptcy court from which Suffness appeals.

AFFIRMED.