

United States Court of Appeals
for the Fifth Circuit

No. 26-30185

United States Court of Appeals
Fifth Circuit

FILED

September 11, 2026

Lyle W. Cayce

Clerk

IN THE MATTER OF DYNAMIC INDUSTRIES SAUDI ARABIA,
LIMITED,

Debtor,

J. STEPHEN SIMMS; CATHERINE M. BENSON,

Appellants,

versus

DYNAMIC INDUSTRIES SAUDI ARABIA, LIMITED,

Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:25-CV-1381

Before KING, HIGGINSON, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

Appellants J. Stephen Sims and Catherine M. Benson appeal the
bankruptcy court's post-judgment denial of their motion to withdraw as

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 26-30185

counsel and of their motion to reconsider that ruling. Because we find that the bankruptcy court did not abuse its discretion, we AFFIRM.

On July 22, 2022, Ulta Deep Picasso Pte. Ltd. (“UDP”), Zakher Marine Saudi Company Limited, and Stanford Marine LLC (collectively, “petitioning creditors”) filed an involuntary bankruptcy proceeding against Dynamic Industries Saudi Arabia, Limited (“DISA”). Appellants Catherine M. Benson and J. Stephen Simms are attorneys appearing on behalf of the petitioning creditors. The bankruptcy court granted DISA’s motion to dismiss the involuntary petition on January 9, 2023, and awarded DISA costs and attorney’s fees. The petitioning creditors appealed, and all but UDP settled with DISA and were dismissed from the action. UDP and DISA then dismissed the appeal by agreement.

On April 21, 2025, UDP terminated Benson and Simms’s representation, at which point they moved to withdraw. The bankruptcy court denied the motion to withdraw as counsel on May 12, 2025 and denied their motion for reconsideration on June 30, 2025. In the interim, on June 25, 2025, DISA moved for attorneys’ fees and costs arising from the prior appeal. That motion remains outstanding. On July 3, 2025, Benson and Simms appealed the bankruptcy court’s denial of the motion to withdraw, and the district court affirmed the bankruptcy court’s ruling. This appeal followed.

We may only exercise jurisdiction over final orders and certain interlocutory or collateral orders. *See* 28 U.S.C. §§ 1291, 1292; *Dardar v. Lafourche Realty Co.*, 849 F.2d 955, 957 (5th Cir. 1988). In the bankruptcy context, the courts of appeals have jurisdiction over appeals “from all final decisions, judgments, orders, and decrees” entered by the district court sitting as an appellate court in bankruptcy. 28 U.S.C. § 158(d)(1). While an order granting or denying an attorney’s motion for leave to withdraw as

No. 26-30185

counsel is not itself a final order, here, the bankruptcy court has entered final judgment. *See Richardson-Merrell, Inc. v. Koller*, 472 U.S. 424, 440 (1985) (holding that an “order disqualifying counsel in a civil case” is not reviewable until final judgment). The district court affirmed on appeal. This is a post-judgment appeal, over which we have jurisdiction, challenging the denial of the motion to withdraw as counsel.

The withdrawal of an attorney in a bankruptcy case is a “matter entrusted to the sound discretion of the court and will be overturned on appeal only for an abuse of that discretion.” *In re Wynn*, 889 F.2d 644, 646 (5th Cir. 1989) (quoting *Streetman v. Lynaugh*, 674 F. Supp. 229, 234 (E.D. Tex. 1987)). A bankruptcy court abuses its discretion if its “ruling is based on an erroneous review of the law or on a clearly erroneous assessment of the evidence.” *In re Yorkshire, LLC*, 540 F.3d 328, 331 (5th Cir. 2008) (citation modified).

We find no erroneous review of the law or clearly erroneous assessment of the evidence. As to the law, the bankruptcy court relied on “the law for the better part of two centuries . . . that a corporation may appear in federal courts only through licensed counsel.” *Rowland v. Cal. Men’s Colony*, 506 U.S. 194, 201–02 (1993). Relying on this established law is not erroneous.

Nor is there evidence, let alone a clearly erroneous assessment of the evidence, at issue. The bankruptcy court denied the motion to withdraw because of the pending motion for attorneys’ fees and costs. DISA’s motion for attorneys’ fees and costs from the appeal was then and is now still pending. This was not a factual error. That the bankruptcy court referred to the pending fees and costs motion as a sanctions motion during the hearing does not change the analysis.

Accordingly, the bankruptcy court’s order is AFFIRMED.