

1 UNITED STATES COURT OF APPEALS  
2 FOR THE SECOND CIRCUIT

3 SUMMARY ORDER

4 THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL  
5 REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO  
6 THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF  
7 THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN  
8 A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL  
9 ESTOPPEL OR RES JUDICATA.

10 At a stated term of the United States Court of Appeals  
11 for the Second Circuit, held at the Thurgood Marshall United  
12 States Courthouse, Foley Square, in the City of New York, on  
13 the 2nd day of September, two thousand four.

14 PRESENT: HON. ELLSWORTH VAN GRAAFEILAND,  
15 HON. DENNIS JACOBS,  
16 HON. ROSEMARY S. POOLER,  
17 Circuit Judges.

18 - - - - -X  
19 IN RE: BANKRUPTCY ESTATE OF CLARENCE F. SWYERS,

20 Debtor.

21 - - - - -X  
22 BANKRUPTCY ESTATE OF CLARENCE F. SWYERS,

23 Appellant,

24 -v.-

04-0398

25 COLLEEN BURNS,

26 Appellee.

27 - - - - -X  
28 APPEARING FOR APPELLANT: LAWRENCE C. BROWN, Buffalo, NY

29 APPEARING FOR APPELLEES: DIANE M. ROBERTS, Buffalo, NY  
30

