

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 06-2041

In re: Rosemarie Ziemski,

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Rosemarie Ziemski,

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Appellant,

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Appeal from the United States
Bankruptcy Appellate Panel
for the Eighth Circuit.

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v.

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Valerian Joseph Ziemski,

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[UNPUBLISHED]

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Appellee.

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Submitted: March 8, 2007

Filed: April 6, 2007

Before COLLOTON, HANSEN, and BENTON, Circuit Judges.

PER CURIAM.

Chapter 13 debtor Rosemarie Ziemski appeals from the decision of the Bankruptcy Appellate Panel (BAP) reversing the bankruptcy court's judgment holding that her ex-husband, Valerian Ziemski, willfully violated the automatic stay of 11 U.S.C. § 362 by withholding military retirement benefits from Rosemarie's bankruptcy estate. Upon review of the bankruptcy court's factual findings for clear error, and review of its legal conclusions de novo, *see In re Vote*, 276 F.3d 1024, 1026

(8th Cir. 2002), we agree with the BAP's analysis and accordingly affirm the decision of the BAP. Valerian Ziemski's motion to dismiss the appeal is denied as moot. *See* 8th Cir. R. 47B.
