

Commonwealth Of Kentucky

Court of Appeals

NO. 2002-CA-001183-MR

BOBBY GORDON

APPELLANT

v. APPEAL FROM MCCRACKEN CIRCUIT COURT
HONORABLE CRAIG Z. CLYMER, JUDGE
ACTION NO. 98-CI-01084

RONALD DALE GILBERT
AND NITA JO GILBERT

APPELLEES

OPINION

AFFIRMING

** ** * * *

BEFORE: EMBERTON, CHIEF JUDGE; BARBER AND DYCHE, JUDGES.
DYCHE, JUDGE. Bobby Gordon, an inmate in the Commonwealth's
penal system, appeals from an order of the McCracken Circuit
Court dismissing, pursuant to the "housekeeping rule" (CR
77.02[2]), his complaint against Ronald Dale Gilbert and Nita
Joe Gilbert. We affirm.

As best as we can tell from Gordon's *pro se* pleadings below
and in this court, his claim against appellees was that he had

made an agreement to sell them a tract of realty, and that the consideration for the land was to be the payoff of a loan which Gordon had obtained to purchase the property. The purchasers were to pay Gordon \$100.00 per month until the loan was paid off. Gordon alleged below that his son, who for some reason was empowered to execute a deed on Gordon's behalf, did so before the Gilberts paid the consideration. The Gilberts later obtained a discharge of the debt in bankruptcy court, Cunningham v. Cunningham, Ky., 497 S.W.2d 941 (1973), and, when no action was taken to pursue the complaint, the trial court dismissed the case following Gordon's response to a show cause order.

He now appeals, claiming that his status as a prisoner somehow prejudiced his claim, and that he should have a jury trial on his claim. While we can sympathize with Gordon, we find no error in the trial court's action. The discharge of the debt by the bankruptcy court left Gordon with no further recourse against the Gilberts. He has not been disadvantaged by his status as a prisoner, and his rights have not been violated in any way by the circuit court.

The order of the McCracken Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

NO BRIEF FOR APPELLEES

Bobby Gordon, *Pro Se*
Fredonia, Kentucky