

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
CHARITY ELIZABETH SLATER) CASE NO. 07-11045
)
)
Debtor)

DECISION AND ORDER DENYING MOTION TO REINSTATE

At Fort Wayne, Indiana, on May 10, 2007.

This case was dismissed on April 23, 2007, due to the debtor's failure to file a scanned copy of the originally signed signature pages as required by the court's order authorizing electronic case filing. Fifth Amended Order Authorizing Electronic Case Filing ¶ 11. See also, In re King, 2006 WL 1994679 *4 (Bankr. N.D. Ind. 2006). The debtor then filed a motion asking the court to vacate the order of dismissal and reinstate this case, because counsel was not familiar with the local rules of this court and had computer problems which he failed to explain or describe in any detail. Neither excuse is sufficient. See, Weinstock v. Cleary, Gottlieb, Steen & Hamilton, 16 F.3d 501, 503 (2nd Cir. 1994); Bohlin Co. v. Banning, 6 F.3d 350, 356-57 (5th Cir. 1993); Wakefield v. Northern Telecom, Inc., 813 F.2d 535, 542 (2nd Cir. 1987); In re King, 2006 WL 1994679 (Bankr. N.D. Ind. 2006) (ignorance of the rules of procedure does not constitute excusable neglect); DePippo v. Chertoff, 453 F. Supp.2d 30, 34-35 (D. D.C. 2006); In re Sizemore, 341 B.R. 658 (Bankr. N.D. Ind. 2006); In re Shideler, 2006 WL 2539710 (Bankr. N.D. Ind. 2006) (counsel's computer problems do not constitute excusable neglect).

The court notes that the dismissal of this case was without any type of prejudice. See, 11 U.S.C. § 349(a). See also, Johnson v. Indiana Family & Social Service Administration, 2006 WL 978982 (D. N.D. Ind. 2006); Rodriguez v. Washington, 1995 WL 593081 (D. N.D. Ill. 1995). Thus,

the debtor is free to refile at any time without any restrictions, save those which are automatically associated with filing multiple cases within a 12-month period. See, 11 U.S.C. § 362(c)(3),(4).

Debtor's motion to reinstate this case is DENIED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court