

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF: )  
 )  
LORETTA D. JONES ) CASE NO. 07-12780  
SONNY L. JONES )  
 )  
Debtors )

**DECISION AND ORDER**

At Fort Wayne, Indiana, on November 5, 2007.

This case was dismissed on October 18, 2007, due to the debtors' failure to pay the filing fee as required by the court's order of October 1, 2007. On November 1, 2007, the court received a request from the debtors' to reconsider that decision.

To begin with, the motion is untimely as it was not filed within ten (10) days as required by Rule 59(e) of the Federal Rules of Civil Procedure. See, Fed. R. Civ. P. Rule 59(e); Fed. R. Bankr. P. Rule 9023. Furthermore, the debtors continue to be in default as they still have not made the installment payment which led to the dismissal. See, Tolliver v. Northrop Corp., 786 F.2d 316, 319 (7th Cir. 1986) ("It would take an extraordinary set of facts – one we cannot now imagine – to make a case of 'abuse of discretion' in failing to restore to the docket a case in which the defaulting party is still in default at the time the [] judge rules on the motion to vacate."). Finally, the debtors have failed to respond to the court's order of October 1, 2007, and demonstrate their eligibility for relief under title 11.

For all of these reasons, the debtors' motion, filed on November 1, 2007, to reconsider the order dismissing this case is DENIED.

SO ORDERED.

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