

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
REVA ANN RANGEL) CASE NO. 06-10100
)
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on April 3, 2008

This case was dismissed on February 28, 2006, because the debtor was not eligible for relief under Title 11. See, Decision and Order dated February 28, 2006. On March 28, 2008, Crystal Rhine, a creditor of the debtor, through her counsel, filed a motion to reopen. See, 11 U.S.C. § 350(b). The stated purpose for reopening is so that the movant can seek relief from the automatic stay in order to pursue a personal injury claim she has against the debtor. On the same date the motion to reopen was filed, Ms. Rhine’s counsel also filed a motion for relief from stay. It is those two motions that are presently before the court for a decision.

In the normal scheme of things, reopening a bankruptcy case after it has been closed is little more than a ministerial act, which is usually done ex parte. See, In re OORC Leasing, LLC, 359 B.R. 227, 228 (Bankr. N.D. Ind. 2007); In re Bartlett, 326 B.R. 436, 438 (Bankr. N.D. Ind. 2005). Nonetheless, if no purpose could possibly be served by the act of reopening, the request may properly be denied. See, OORC Leasing, 359 B.R. 227. See also, In re Menk, 241 B.R. 896, 913-18 (9th Cir. BAP 1999). In general terms, cases are reopened in order to tend to some detail that could and should have been taken care of while the case was still open. In other words, reopening is a mechanism by which a case which has come to a normal conclusion – after the estate has been

“fully administered”, 11 U.S.C. § 350(a) – can be resumed or otherwise continued. A case which has been terminated prematurely, via a dismissal, cannot be resumed. Consequently, a case which has been dismissed is not subject to being reopened. In re Income Property Builders, Inc., 699 F.2d 963, 965 (9th Cir. 1982); In re Critical Care Support Services, 236 B.R. 137, 140-41 (E.D. N.Y. 1999); In re King, 214 B.R. 334, 336 (Bankr. W.D. Tenn. 1997); In re Woodhaven, Ltd., 139 B.R. 745, 747-78 (Bankr. N.D. Ala. 1992); Matter of Garcia, 115 B.R. 169, 170 (Bankr. N.D. Ind. 1990).

In this instance, the only reason for reopening the case is so that the movant can seek an order relieving it of the automatic stay. Yet, dismissal of the case terminated the automatic stay over two years before the motion was ever filed. 11 U.S.C. § 362(c)(2)(B). Consequently, reopening this case could serve no purpose. Furthermore, since the case was dismissed, it does not qualify for reopening.

Crystal Rhine’s motion to reopen is DENIED, and her motion for relief from stay is MOOT.
SO ORDERED.

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