

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
AMANDA J. BLEEKE) CASE NO. 08-11248
RICHARD BLEEKE)
)
Debtors)

DECISION AND NOTICE OF HEARING

At Fort Wayne, Indiana, on April 23, 2008.

The debtors in this case were also the debtors in case number 07-13036.¹ By an order issued on December 5, 2007, that case was dismissed. The order of dismissal went on to provide that “debtor(s) shall not be eligible for further relief under any chapter of Title 11 for a period of 180 days.” (emphasis original). The present case was filed less than 180 days later on April 21, 2008, at a time when debtors clearly were not eligible for relief under any chapter of Title 11. As a result, further proceedings in this matter can only result in dismissal. The only question is when. In the court’s opinion, it is better to do so sooner rather than later. See, Matter of Jones, 1990 WL 300922, (Bankr. N.D. Ind. 1990). This case will therefore be dismissed immediately, and an order doing so will be entered.

Despite the dismissal, given the debtors’ conduct, the court will retain jurisdiction in order to determine whether the dismissal should be associated with any kind of prejudice. The debtors filed this case when they were not eligible for relief. Furthermore, the petition, which was signed under penalty of perjury, fails to disclose any of the debtors’ prior cases. It also appears that there may be an additional false oath with regard to the completion of credit counseling required by

¹Richard Bleeke, one of the debtors in this case, was also a debtor in case number 07-11393. That case was automatically dismissed, pursuant to § 521(i)(1), on July 10, 2007.

§ 109(h). In this case, as in each of the debtors' prior cases, they represented that they had obtained the required counseling, but had not yet received a copy of the certificate demonstrating completion; they have yet to file such a certificate. The overall pattern of conduct of filing cases that satisfy only the minimum filing requirements, see, N.D. Ind. L.B.R. B-1002-1, and then failing to timely file all of the required documents, see, 11 U.S.C. § 521(a)(1); 11 U.S.C. § 1321; Fed. R. Bankr. P. Rule 1007, suggests a conscious intent to misuse or abuse the bankruptcy process. Finally, the court's prior attempt to respond to the debtors' misbehavior, by temporarily restricting their eligibility, appears to have been insufficient.

In light of the foregoing, the court will hold a hearing on **May 14, 2008 at 9:30 a.m.** in Room 2127, Federal Building, 1300 S. Harrison St., Fort Wayne, Indiana to consider whether the dismissal of this case should be associated with any kind of prejudice, such as additional restrictions on eligibility for relief, an injunction against further filings, prospective relief from the automatic stay, and/or denying the ability in any future case to discharge any debts which may have been dischargeable in this case. You should be present in person or by counsel if you wish to be heard with regard thereto.

The clerk shall serve a copy of this decision and notice upon all creditors and parties in interest.

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