

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
DOUGLAS W. PUTTEE) CASE NO. 09-10329
)
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on February 20, 2009.

The matter is before the court on the debtor's motion to continue the automatic stay. The motion is based upon § 362(c)(3) of the United States Bankruptcy Code. It alleges that the debtor had a prior case, which was pending in the previous year, and asks the court to extend the automatic stay beyond thirty days. Yet, § 362(c)(3) only becomes operative if a debtor's prior case "was dismissed." 11 U.S.C. § 362(c)(3). The court notes that the debtor's prior case, case number 06-11767, was not dismissed. Instead, the debtor received a discharge on February 2, 2009, and that case will simply be closed in the ordinary course of case administration. Because the debtor's prior case was not dismissed, § 362(c)(3) does not apply. See e.g., In re Forletta, 397 B.R. 242 (Bankr. E.D. N.Y. 2008); In re Anderson, 2008 WL 4186873 (Bankr. E.D. Va. 2008). Debtor's motion to continue the automatic stay is therefore MOOT.

SO ORDERED.

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