UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:	)	
	)	
SHELLEY JAMES JENKINS	)	CASE NO. 09-14686
	)	
	)	
Debtor	)	

DECISION AND ORDER

At Fort Wayne, Indiana, on February 22, 2010.

Debtor filed a motion, on February 18, 2010, to reconsider the order of December 18, 2009, which dismissed this case and limited the debtor's future eligibility for relief under title 11. The motion is DENIED, for the following reasons:

1. The motion fails to identify the rule upon which the motion is based and is not accompanied by a brief in support thereof which might remedy that deficiency. See, N.D. Ind. L.B.R. B-9023-1(a). See also, In re King, 2006 WL 1994679 (Bankr. N.D. Ind. 2006).

2. To the extent the motion was filed pursuant to Rule 59 of the Federal Rules of Civil Procedure, it is untimely. See, Fed. R. Civ. P. Rule 59(e), Fed. R. Bankr. P. Rule 9023 (motion to alter or amend a judgment must be filed no later than 14 days after the entry of the judgment).

3. To the extent the motion was filed pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, the statements in the motion do not key into any of the bases for relief under that rule. See, Fed. R. Civ. P. Rule 60(b) (providing six independent grounds for relief from a judgment or order).

4. Nowhere does the motion address why the court dismissed this case with a bar to refiling, only that the court did so and that such a dismissal was "harsh given the facts and circumstances of this case."[1] Motion to Reconsider, ¶ 7. Without knowing why the court dismissed this case or why some component of Rule 60(b) would provide justification for setting aside that order, it is difficult, if not impossible, to treat the motion seriously.

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[1]To the extent this statement suggests an error of law or fact in the court's decision, that would mean the motion was based on Rule 59.

5. Debtor's counsel attended the hearing on the trustee's motion to dismiss and heard the court's findings of fact and conclusions of law. Under those circumstances, there was no reason to wait two months before bringing the motion. See, Fed. R. Civ. P. Rule 60(c) (motion must be brought within a reasonable time).

SO ORDERED.

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