

# Not Intended for Publication or Citation

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN RE: CASE NO. 10-10348	)	
	)	
MICHAEL C. MULLEN	)	
ANGELA M. MULLEN	)	
	)	
Debtors	)	
	)	
	)	
JEREMY C. GOLDY	)	
	)	
Plaintiff	)	
	)	
vs.	)	PROC. NO. 10-1073
	)	
MICHAEL C. MULLEN	)	
	)	
Defendant	)	

## DECISION

At Fort Wayne, Indiana, on February 14, 2011.

The amended complaint initiating this adversary proceeding alleges that the debtor's obligation to the plaintiff is non-dischargeable under § 523(a)(2)(A), § 523(a)(4) and/or § 523(a)(6) of the United States Bankruptcy Code. Defendant responded with a motion to dismiss, arguing the complaint fails to state a claim upon which relief can be granted, Fed. R. Civ. P. Rule 12(b)(6), and that the plaintiff lack standing to sue. Fed. R. Civ. P. Rule 12(b)(1). There has been no response to the motion within the time required by the local rules of this court, see, N.D. Ind. L.B.R. B-7007-1(a), or the parties' agreed extension of time, and so the matter is before the court to consider the issues raised by that motion.

Having considered the defendant's motion, together with the materials submitted in support thereof, the court finds that it is well-taken. Defendant's motion to dismiss will be granted and this

case dismissed.<sup>1</sup>

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

Date Entered on Docket: February 14, 2011.

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<sup>1</sup>In that the plaintiff has already been given leave to amend its complaint in the face of an earlier motion to dismiss and the lack of a response to the present motion, it does not appear that any purpose would be served by giving the plaintiff another opportunity to amend its complaint.