

# Not Intended for Publication and/or Citation

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF:	)	CASE NO.	11-10164
	)	CHAPTER	13
ORVA E. MILLER	)	REG/jd	
	)		
	)		
Debtor	)		

## DECISION AND ORDER

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

The debtor, in this Chapter 13 case, is proceeding pro se. The case was automatically dismissed, as of the forty-sixth day after the petition, when the debtor failed to file all of the information required by § 521(a)(1) of the United States Bankruptcy Code. See, 11 U.S.C. § 521(i)(1). The debtor has now filed what the court construes as a request for relief from that dismissal. This filing indicates that the debtor would like additional time in order to retain counsel who would provide proper guidance in the proceeding.

The court cannot undo the dismissal of this case. It was not dismissed by any judicial act but automatically, as a matter of law, when the debtor failed to file the required information.<sup>1</sup> 11 U.S.C. § 521(i)(1). See also, In re Young, 2006 WL 3524482 (Bankr. S.D. Tex. 2006). Debtor's motion does not dispute the factual predicate that triggered dismissal. See, e.g. N.D. Ind. L.B.R. B-1017-1(a) (identifying the information that a motion for relief from dismissal pursuant to § 521(i)(1) must provide). Instead, the debtor simply wants more time to retain counsel in order to figure out what to do.

The court has no doubt that the debtor is "lost in this overwhelming adventure" and needs

---

<sup>1</sup>The court had warned the debtor that this might happen in the notice of non-compliance issued on February 8, 2011.

the guidance of counsel. That is why the court's website warns debtors against representing themselves and strongly recommends they hire a competent attorney. It cannot, however, relieve the debtor of the consequences of proceeding without one or of the consequences of failing to timely file all of the information required by § 521(a)(1). The court can only observe that the dismissal of the case is without any prejudice to the debtor's opportunity to file again and to do things correctly the second time around. See, 11 U.S.C. § 349. The only impact the dismissal would have upon such a second opportunity would be that the automatic stay would last only thirty days unless the debtor promptly sought and obtained an order extending it. See, 11 U.S.C. § 362(c)(3).

Debtor's motion for relief from the dismissal of this case is DENIED.

SO ORDERED.

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