

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
MAURICE CECIL BROWN,) CASE NO. 12-21634 JPK
) Chapter 13
Debtor.)

ORDER DENYING AMENDED MOTION TO EXTEND AUTOMATIC
STAY BEYOND 30-DAYS OR UNTIL CASE IS CONFIRMED
AND SCHEDULE HEARING ON MATTER ("AMENDED MOTION")

On May 15, 2012, the debtor Maurice Cecil Brown – who is proceeding *pro se* – filed a motion ostensibly pursuant to 11 U.S.C. § 362(c)(3) to extend the automatic stay. A hearing on this motion was held on May 31, 2012, attended by Mr. Brown and the attorney for the Chapter 13 Trustee. The circumstances of this case establish that the motion could actually have been filed pursuant to 11 U.S.C. § 362(c)(4), because Mr. Brown was the debtor in two cases that were pending during the year preceding the filing of the petition in this case, both of which were dismissed. At that hearing, the court determined that the motion pursuant to 11 U.S.C. § 362(c)(4) would be denied, and an order denying that motion will be entered of record.

The Amended Motion, filed prior to the May 31, 2012 hearing, plows the same ground as did the motion considered at the May 31 hearing. As the court determined at that hearing, the debtor is not entitled to continuation of the automatic stay under 11 U.S.C. § 362(c)(4), and a motion filed pursuant to 11 U.S.C. § 362(c)(3) states no claim upon which relief may be granted.

IT IS ORDERED that the Amended Motion is denied.

Dated at Hammond, Indiana on June 8, 2012.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Trustee, US Trustee