

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
DENEEDRA L. ROBINSON,) CASE NO. 10-24339 jpk
) Chapter 13
Debtor.)

ORDER DENYING MOTION TO VACATE DISMISSAL OF CASE ["MOTION"]

The Motion was filed as record No. 29 on January 30, 2013. The motion seeks to have the court vacate its order of dismissal of this case entered as record No. 26 on January 4, 2013.

First, the Motion – which apparently proceeds under Fed.R.Bankr.P. 9024 [there could be no other possible ground upon which the motion is based] – was not accompanied by a brief, as required by N.D.Ind.L.B.R. B-9023-1(a). More importantly, the Motion states no grounds to grant the requested relief. This case was dismissed pursuant to the Chapter 13 Trustee’s record No. 22 motion filed on November 16, 2012. That motion was based upon the Trustee’s assertion of a substantial default by the debtor with respect to payments to be made to the Chapter 13 Trustee under her confirmed plan. Paragraph 3 of the Motion states the case was closed without entry of an order of discharge – that is incorrect, as the case was dismissed. Contrary to paragraph 3 of the Motion, the dismissal of the case had nothing whatever to do with the debtor’s failure to provide documents or fees requested by the Chapter 13 Trustee. Paragraph 4 of the Motion states the debtor has now provided requested documents to the Trustee. Documents have nothing to do with this – there’s nothing in the Motion which states that the debtor is prepared to cure the default/delinquency to the Chapter 13 Trustee, or has paid anything whatsoever to the Chapter 13 Trustee subsequent to dismissal of the case. Finally, even if the debtor were prepared to totally reinstate the case, the motion does not establish any grounds recognizable by Fed.R.Bankr.P. 9024/Fed.R.Civ.P. 60(b).

IT IS ORDERED that the Motion denied.

Dated at Hammond, Indiana on February 15, 2013.

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

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee
All creditors and parties-in-interest