UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN THE MATTER OF	)	
	)	
MELISSA DAWN KAUFFMAN,	)	CASE NO. 11-32727 HCD
	)	CHAPTER 7
	)	
DEBTOR.	)	

O R D E R

At South Bend, Indiana, on July 29, 2011.

Before the court is the debtor's request for reconsideration of the court's dismissal of her bankruptcy case, filed on July 27, 2011. In its Order of July 18, 2011, the court had denied the debtor's request for a temporary waiver of the credit counseling requirement of 11 U.S.C. § 109(h)(1) and had dismissed her case. However, the debtor's present request has made clear that she completed her credit counseling, as required pursuant to the statute. She asks the court to set aside the dismissal of her case.

The court construes the plaintiff's request to be a motion to alter or amend the court's judgment, filed pursuant to Federal Rule of Civil Procedure 59(e) and Federal Rule of Bankruptcy Procedure 9023 (which applies Rule 59 in bankruptcy cases), because it was timely filed within 14 days of the entry of judgment. Rule 59(e) provides relief from judgments or orders for movants who establish the required elements. "Rule 59(e) allows a party to direct the . . . court's attention to newly discovered material evidence or a manifest error of law or fact, and enables the court to correct its own errors and thus avoid unnecessary appellate procedures.'" *Divane v. Krull Elec. Co., Inc.*, 194 F.3d 845, 850 (7th Cir. 1999) (quoting *Moro v. Shell Oil Co.*, 91 F.3d 872, 876 (7th Cir. 1996)). The granting or denial of motions for consideration under Rule 59(e) is within the court's discretion.

The court has considered the debtor's request under those standards and finds that the debtor has presented good cause for setting aside the court's prior dismissal of her case. In its discretion, the court

determines that the debtor has demonstrated that she is entitled to relief from the dismissal ordered against the debtor on July 18, 2011. Accordingly, relief from the court's Order of July 18, 2011, is granted.

SO ORDERED.

/s/ HARRY C. DEES, JR.
Harry C. Dees, Jr., Judge
United States Bankruptcy Court