

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
KAREN LISA SPANGLER) CASE NO. 03-11215
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on August 5, 2005

By an order issued on June 10, 2005, the court directed the debtor to file a second motion for post-confirmation modification within fourteen (14) days. That order went on to specifically state that the failure to do so would result in the case being dismissed without further notice. The debtor did not comply with the court's order of June 10, nor did she file a motion for an extension of time in which to do so. Accordingly, on July 11, 2005, the court did what it said it would do and dismissed the case. The matter is now before the court on the debtor's motion to reinstate which has apparently been filed pursuant to Rule 60 of the Federal Rules of Federal Procedure.¹ As such, the motion is addressed to the court's discretion.

Based upon what has been presented to it, the court is at a loss to understand why it should vacate an order dismissing a case as a result of the failure to comply with a court imposed deadline, of which counsel was fully aware, when counsel was specifically told that dismissal would be the consequence of non-compliance. This is especially so when the debtor still has not yet complied

¹The motion does not identify the statute or procedural rule upon which it is based. It was however, filed more than ten (10) days after the entry of the order in question, which leaves rule 60 as the most likely basis for the motion. In addition to neglecting to advise the court as to the precise basis for the motion, counsel also neglected to file a brief or any other materials in support of the motion, as required by the local rules of this court. See, N.D. Ind. L.B.R. B-9023-1.

with the court's order. See e.g., In re DeLaughter, 295 B.R. 317 (Bankr. N.D. Ind. 2003); Nova Tool & Engineering, Inc. v. DeWald Fluid Power Co., 1998 Bankr. LEXIS 1567, 1998 WL 852498 (Bankr. N.D. Ind. 1998); In re Collins, 2000 WL 1772764 (Bankr. N.D. Ind. 2000).

Debtor's motion to reinstate filed on July 27, 2005 is there DENIED.

SO ORDERED.

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