

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:

GARY WAYNE ORRISON
JUDITH ANN ORRISON

Debtors

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CASE NO. 06-10144

DECISION AND ORDER

At Fort Wayne, Indiana, on May 16, 2006

This case was dismissed on May 15, 2006, due to the debtors' failure to comply with the court's order of May 2, 2006 to file an amended petition. On May 15, 2006, the debtors filed a motion to reinstate this case apparently asking the court to vacate the order of dismissal. The motion is insufficient. Insofar as the motion asks the court to reopen this case, this court has previously held that a case which has been dismissed cannot be reopened. Matter of Garcia, 115 B.R. 169, 170 (Bankr. N.D. Ind. 1990). To the extent that the motion should be construed as a request to alter or amend the court's order, filed pursuant to Rule 59(e), it fails to identify any error of law or fact, see, Deutsch v. Burlington Northern R. Co., 983 F.2d 741, 744 (7th Cir. 1993) (citing Figgie International, Inc. v. Miller, 966 F.2d 1178, 1180 (7th Cir. 1992)), and has not been accompanied by a brief in support thereof as required by the local rules of this court. N.D. Ind. L.B.R. B-9023-1. Furthermore, the debtors still have not complied with the court's order by filing an amended petition; only promised to do so within five days should their motion be granted. That is not sufficient. Tolliver v. Northrop Corp., 786 F.2d 316, 319 (7th Cir. 1986).

Debtors' motion to reinstate this case is therefore DENIED.

SO ORDERED.

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