

NOT INTENDED FOR PUBLICATION
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: : CASE NO. 04-63419
: :
Lytonia Michelle Watkins, : CHAPTER 13
: :
Debtor. : JUDGE MASSEY
: :
_____:

ORDER DISMISSING CASE AND DENYING MOTION TO REFUND FILING FEE

Debtor Lytonia Watkins filed this case on March 1, 2004 and paid the Clerk \$60 toward the filing fee. Later the same day, using a different attorney, she filed a second case under case no. 04-63446. She has filed a voluntarily dismissal of this case combined with a motion to refund the \$60 paid to the Clerk on the ground that this is a "duplicate case." The other case is the duplicate, not this one. Debtor had an obligation to tell her attorney in this case that she was consulting a different attorney. Presumably, she failed to do so. She is not saying in the dismissal notice that she did not authorize her attorney in this case to file it, but even if that were the fact, she would not be entitled to a refund of the filing fee from the Court. Accordingly, it is

ORDERED that this case is dismissed as of March 12, 2004, the motion for a refund of the filing fee is DENIED, and the Clerk is directed to close this case with a notice to creditors pointing out that the duplicate case is still pending.

This 7th day of May 2004.

JAMES E. MASSEY
U.S. BANKRUPTCY JUDGE