



**IT IS ORDERED as set forth below:**

**Date: January 19, 2010**

**Paul W. Bonapfel  
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN THE MATTER OF:	:	CASE NUMBER: A09-87983-PWB
	:	
ELEANOR R. LEVINER,	:	
	:	IN PROCEEDINGS UNDER
	:	CHAPTER 7 OF THE
Debtor.	:	BANKRUPTCY CODE

**ORDER DENYING MOTION FOR RECONSIDERATION**

On January 6, 2010, the Court entered an Order granting the United States Trustee's motion to dismiss pursuant to 11 U.S.C. § 521(i) because the Debtor had failed to file certain documents required by § 521(a)(1) within 45 days of the filing of the petition. The Debtor seeks reconsideration of the Court's January 6, 2010 Order. The Debtor's motion contains only the following statement: "On January 6, 2010, this Court entered an order dismissing the case due to certain pleadings having not been timely filed. The Debtor has subsequently filed all the necessary pleadings."

Rule 9023 of the Federal Rules of Bankruptcy Procedure and Rule 59 of the Federal

Rules of Civil Procedure govern motions to alter or amend judgments. Motions filed pursuant to these rules are "properly characterized as motions for reconsideration and are within the discretion of the trial court to grant or deny." *In re Oak Brook Apartments of Henrico County, Ltd.*, 126 B.R. 535, 536 (Bankr. S.D.Ohio 1991). BLR 9023-1 provides that a motion to reconsider must be filed within ten days of the entry of an order or judgment. A motion for reconsideration serves a "limited function-to correct manifest errors of law or fact or to present newly discovered evidence." *In re Ionosphere Clubs, Inc.*, 103 B.R. 501, 503 (Bankr. S.D.N.Y. 1989) (citations omitted).

Without deciding the issue of whether the Court can even vacate an order that is entered under § 521(i), the Court declines to grant the Debtor's motion because the Debtor has asserted no error of fact or law that warrants reconsideration of the order of dismissal. Accordingly, it is

ORDERED that the Debtor's motion for reconsideration is denied.

End of Order

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