

failed to make any Plan payments. Debtor filed all four cases while her husband, Ira Joe Johnson (“Husband”), was prohibited from filing Chapter 13 petitions by Court orders.¹ In case No. 04-17517-WHD, case No. 07-10740-WHD, and the instant case, Debtor failed to file a Plan or Schedules and failed to make any Plan payments. Debtor’s actions constitute an abuse of the Bankruptcy Court.

Debtor filed the instant case using a Social Security number that is different from the Social Security number used in all prior cases as listed above. It appears that Debtor filed this case using Husband’s Social Security number, and has taken no steps to correct this error. At the hearing on Trustee’s Motion, neither Debtor nor Debtor’s counsel appeared to explain the circumstances regarding the Social Security number.

Accordingly, it is hereby

ORDERED that Debtor and Debtor’s counsel, Milton Jones, shall appear at 2:15 p.m. on January 6, 2010, in Courtroom 1204, U.S. Courthouse, 75 Spring Street, S.W., Atlanta, Georgia to explain the circumstances regarding the use by Debtor in this case of a Social Security number not her own and to show cause why they, or either of them, should not be sanctioned, pursuant to the inherent

¹ On August 30, 2000, an Order was entered in Husband’s case No. 00-17003-WHD (Doc. No. 20) dismissing his case and prohibiting him from filing a Chapter 13 case for 180 days. Debtor filed case No. 00-12842-WHD December 5, 2000. On June 21, 2004, an Order was entered in Husband’s case No. 04-17147-WHD (Doc. No. 15) dismissing his case and prohibiting him from filing a Chapter 13 case for 180 days. Debtor filed case No. 04-17517-WHD November 4, 2004. On January 24, 2007, an Order was entered in Husband’s case No. 06-12144-WHD (Doc. No. 13) dismissing his case and prohibiting him from filing a Chapter 13 case for 180 days. Debtor filed case No. 07-10740-WHD March 23, 2007. On August 24, 2010, this Court entered an Order in Husband’s case No. 10-76538-MHM (Doc. No. 41), prohibiting him from filing a Chapter 13 case for 180 days. Debtor filed the instant case September 6, 2010.

powers described in *Chambers v. Nasco, Inc.*, 501 U.S. 32 (1991) or pursuant to 11 U.S.C. § 329 and § 105, and Bankruptcy Rule 9011. It is further

ORDERED that this case is *dismissed*: Debtor is ineligible to file for relief as to Chapter 13 under the Bankruptcy Code for a period of not less than **one hundred eighty (180) days**, or for a longer period if so determined as a result of the show cause hearing scheduled above. It is further

ORDERED that although this case is dismissed, jurisdiction is retained for the show cause hearing, to investigate the circumstances described above, to determine appropriate attorney's fees, to issue sanctions, to determine the appropriate length of time Debtor may be prohibited from re-filing, and to take any other appropriate action.

The Clerk, U.S. Bankruptcy Court is *directed* to serve a copy of this Order upon Debtor, Debtor's counsel, Chapter 13 Trustee, all creditors and other parties in interest.

IT IS SO ORDERED, this the 4th day of November, 2010.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE

Draft order prepared and presented by:

 /s/
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