

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	CASE NO. 05-96073-JB
	:	
NDYE H. TOURAY,	:	
	:	CHAPTER 7
Debtor.	:	
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	:	
FELICIA S. TURNER	:	
UNITED STATES TRUSTEE,	:	ADVERSARY PROCEEDING
	:	NO. 05-6609
Plaintiff,	:	
	:	
v.	:	
	:	
NDYE H. TOURAY,	:	
	:	
Defendant.	:	

ORDER DENYING DISCHARGE

On December 21, 2005, the United States Trustee filed this adversary proceeding objecting to the debtor's discharge under 11 U.S.C. § 727(a)(8). The Trustee alleges that the debtor received a previous discharge in a Chapter 7 case filed within six years before the date of filing the petition in this case. This is a core proceeding under 28 U.S.C. § 157(b)(2).

Section 727(a)(8) provides as follows:

- (a) The court shall grant the debtor a discharge, unless –
 - (8) the debtor has been granted a discharge under this section . . . in a case commenced within six years before the date of the filing of the petition.

The debtor filed the petition in the instant case on September 15, 2005. The Court's records show that debtor filed a previous Chapter 7 case, Case No. 99-75642, on October 21, 1999 and received a discharge in that case on February 4, 2000. The Trustee argues that because the case was filed within six years of the defendant's previous Chapter 7 case, the defendant cannot be granted a discharge in this case.

The complaint appears to have been served properly, and the defendant has not filed any pleading or shown any reason why the plaintiff's request should not be granted. After carefully reviewing the complaint and the record of the defendant's prior and current cases, the Court finds that the relief requested by plaintiff is appropriate, and debtor cannot obtain a discharge under § 727 in the instant case, Case No. 05-96073.

IT IS SO ORDERED, this 1st day of March, 2006.



JOYCE BIHARY
UNITED STATES BANKRUPTCY JUDGE

DISTRIBUTION LIST

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