

08 OCT 2004

UNITED STATES BANKRUPTCY COURT  
 NORTHERN DISTRICT OF GEORGIA  
 ATLANTA DIVISION

IN RE: ) CHAPTER 13  
 )  
 ANTHONY JAMES GRIFFIN ) CASE NO. 04-96711-MHM  
 )  
 Debtor )

**DISMISSAL ORDER  
 AND  
 ORDER BARRING DEBTOR FOR FIVE YEARS**

This case was filed September 10, 2004. Debtor, who is proceeding in this case and all his prior cases *pro se*, paid no filing fee at the time of filing but did file an application to pay the filing fee in installments. A review of the Clerk's records shows the status of the following cases filed by this same debtor:

<u>CASE NO.</u>	<u>FILING FEE</u>	<u>FILED</u>	<u>DISMISSED</u>
03-83755	-0-	12-30-2003	2-10-2004
03-97764	-0-	7-21-2003	8-7-2003
03-96579	-0-	6-18-2003	7-11-2003
03-93202	-0-	3-24-2003	6-11-2003

No filing fee has been paid in any case filed by Debtor. Additionally, Debtor filed no Schedules<sup>1</sup> in any case. Each of Debtor's first four cases were dismissed for failure to pay the filing fee.

---

<sup>1</sup> Bankruptcy Rule 1007 requires a debtor to file schedules of assets and liabilities, a schedule of current income and expenditures, a schedule of executory contracts and unexpired leases, and a statement of financial affairs (the "Schedules"). If those Schedules are not filed with the petition, they must be filed within 15 days thereafter. Bankruptcy Rule 3015 requires a Chapter 13 debtor to file a plan with the petition or within 15 days thereafter. A debtor may obtain an additional 15 days to file the required documents upon motion and for good cause shown. Anthony James Griffin filed no motion for extension of time to file Schedules in any of his four previous cases.

By order entered September 17, 2004, Debtor was provided an opportunity to show cause why this case should not be dismissed and why he should not be barred from filing any petition under Title 11 for a period of five (5) years. Hearing was scheduled for October 4, 2004. At the calendar call, no one appeared on behalf of Debtor.

The frequency with which Debtor has filed bankruptcy petitions and received the protection of the automatic stay without performing *any* of the responsibilities set forth in the Code and Rules, such as disclosure of his financial affairs, and without even paying the filing fee, permits a reasonable inference that Debtor is acting in bad faith and is willfully abusing the bankruptcy system. Debtor's failure to appear to contest that inference provides additional evidence in support of a conclusion that Debtor is proceeding in bankruptcy court in bad faith. Such conduct is sanctionable. *See In re Standfield*, 152 B.R. 528 (Bankr. N.D. Ill. 1993); *In re McBride Estates, Ltd.*, 154 B.R. 339 (Bankr. N.D. Fla. 1993). Accordingly, it is hereby

ORDERED that this case is **DISMISSED** and Debtor is barred from filing in this district any future case under Title 11 for a period of five (5) years. The Bankruptcy Clerk is instructed to refuse to accept any bankruptcy petition presented by Debtor for a period of five (5) years from the date of entry of this order.

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

IT IS SO ORDERED, this the 6<sup>th</sup> day of October, 2004.

  
MARGARET H. MURPHY  
UNITED STATES BANKRUPTCY JUDGE