IT IS ORDERED as set forth below:

Date: January 30, 2008

_____
James E. Massey
U.S. Bankruptcy Court Judge

_____

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

_____ ‖

IN RE: CASE NO. 05-83115

Erick R. Thomas,

                                                      CHAPTER 13

            Debtor.   JUDGE MASSEY

_____ ‖

ORDER DENYING MOTION TO REOPEN

        The Court dismissed this case in an order entered on November 9, 2007, which granted

the motion of the Chapter 13 Trustee to dismiss. The motion to dismiss was grounded on

Debtor's failure to make plan payments. Debtor did not answer the calendar call on November 9,

2007 and in effect defaulted on the motion to dismiss.

        On January 9, 2008, Debtor moved to vacate the dismissal order on the ground that

"Debtor provided documentation to resolve all of the Chapter 13 trustee's objections prior to the

dismissal of the case." This response failed to address the basis of the motion and the order of

dismissal, which was Debtor's failure to make plan payments.

The delay of two months from the entry of the dismissal order to the filing of the motion to vacate that order was simply too long. Once a case is dismissed, a debtor is free to deal with assets and to incur new liabilities or pay old ones. Although this Court routinely grants motions to reopen a case filed shortly after dismissal, the longer the gap the more likely it is that changes have occurred in a debtor's financial condition and in the positions of creditors that make it prejudicial to pretend that the case was never dismissed.

An order of dismissal becomes final after ten days from entry. To undo a final order, the movant must comply with Bankruptcy Rule 9024, which incorporates Rule 60 of the Federal Rules of Civil Procedure with certain exceptions. A motion for relief from a final order or judgment must contain allegations of fact to show that the movant is eligible for relief under one of the subparagraphs of Rule 60(b). Debtor's motion alleged no facts that if true would permit the Court to vacate the order of dismissal. Accordingly, Debtor's motion to vacate the order of dismissal is DENIED.

<div align="center">***END OF ORDER***</div>