



IT IS ORDERED as set forth below:

Date: October 28, 2011

Mary Grace Diehl

**Mary Grace Diehl
U.S. Bankruptcy Court Judge**

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

In re:	:	Chapter 7
	:	
GBOLAHAN R. A. EYIOWUAWI,	:	Case No. 09-75950-MGD
	:	
Debtor.	:	Judge Diehl
	:	

**ORDER DENYING DEBTOR'S MOTION REGARDING DEBT TO CITY OF
CHICAGO**

Before the Court is Gbolahan R. A. Eyiowuawi's ("Debtor") *pro se* "Motion to Bar City of Chicago from Reinstating Discharged Bankruptcy Debt" ("Motion to Bar") (Docket No. 31). The Court construes Debtor's Motion to Bar as a motion to enforce the discharge injunction under 11 U.S.C. § 524(a).

Debtor's case was closed with a discharge on March 10, 2011. (Docket No. 28). On September 15, 2011, Debtor filed his Motion to Bar along with a Motion to Reopen Case. (Docket No. 31). On September 29, 2011, the Court entered an Order reopening Debtor's case, waiving the filing fee, and providing Debtor and the City of Chicago with twenty-one days to file pleadings for

or against Debtor's Motion to Bar.

To date, Debtor has not filed a brief or other pleading providing additional support of his Motion to Bar. Debtor's Motion to Bar concedes that Debtor owed a debt to the City of Chicago, but argues that the debt was discharged. The City of Chicago filed a response to Debtor's Motion to Bar on October 19, 2011. (Docket No. 37). The City of Chicago alleges that the debt at issue is for parking tickets and related penalties and fines. Debtor has not disputed this allegation. Further, Debtor's Schedules support this allegation. The only debt that Debtor listed in his Schedules owing to the City of Chicago is a debt for parking tickets.¹ For these reasons, the Court finds that the debt owed to the City of Chicago is for parking fines.

Apposite case law is clear that debts for parking fines are excepted from discharge under 11 U.S.C. § 523(a)(7). *In re Stevens*, 184 B.R. 584, 586 (Bankr. W.D. Wash. 1995); *In re Gallagher*, 71 B.R. 138 (Bankr. N.D. Ill. 1987). Section 523(a)(7) excepts from discharge a debt for a "fine, penalty, or forfeiture payable to and for the benefit of a governmental unit, and is not compensation for actual pecuniary loss...." 11 U.S.C. § 523(a)(7). Courts have consistently held that parking fines are fines or penalties under 11 U.S.C. § 523(a)(7). *Stevens*, 184 B.R. at 586. Second, the parking fines here are payable to and for the benefit of a governmental unit, the City of Chicago. *Gallagher*, 71 B.R. at 139. And parking fines are not imposed to compensate a city for actual pecuniary loss. *Id.* Rather, the purpose of parking fines is to enforce parking and traffic laws, thereby promoting the safe and efficient flow of traffic through a city. *See In re Thomas*, 355 B.R. 166, 174 (N.D. Cal. 2006).

¹ This debt is listed on Schedule D. Debtor did not list any debts on Schedule F. The Court notes that Debtor's Schedules were filed *pro se*.

Consequently, the Court rules that the debt owed by Debtor to the City of Chicago for parking fines is excepted from discharge under 11 U.S.C. § 523(a)(7). The debt is therefore not protected by the discharge injunction of 11 U.S.C. § 524(a). Accordingly, the City of Chicago did not violate the discharge injunction when, after Debtor's case was closed, it allegedly suspended Debtor's driver's license because the fines were unpaid. Nor does the City of Chicago violate the discharge injunction if, in the future, it seeks to collect the debt for the parking fines.

For these reasons, it is

ORDERED that Debtor's "Motion to Bar City of Chicago from Reinstating Discharged Bankruptcy Debt" is **DENIED**. The City of Chicago may seek to collect the debt in accordance with its rights under applicable non-bankruptcy law.

The Clerk shall serve a copy of this Order upon Debtor, the trustee, all creditors, and the parties listed below on the Distribution List.

END OF DOCUMENT

Distribution List

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