

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	CASE NO. 08-62203-JB
	:	
TONY REBERTO WYCKOFF,	:	
	:	CHAPTER 13
Debtor.	:	

ORDER


This case is before the Court on debtor's *pro se* motion to reopen this Chapter 13 case more than a year after it was dismissed (Docket #22). After carefully considering the record and pleadings in this case, the Court concludes that the motion cannot be granted.

Debtor filed this Chapter 13 case through counsel on February 4, 2008; the case was dismissed on April 16, 2008 pursuant to debtor's failure to fund his Chapter 13 plan, and the case was closed on May 30, 2008. Debtor filed one previous *pro se* Chapter 13 case, Case No. 08-70388, and a subsequent *pro se* Chapter 7 case, Case No. 08-82629. Both cases were dismissed. On March 3, 2009, the Debtor filed a motion to reopen Case No. 08-82629, the subsequent Chapter 7 case, and on March 13, 2009, the Court entered an Order denying the motion based on debtor's failure to file required documents, pay the filing fee, attend the originally scheduled meeting of creditors, and attend the reset meeting of creditors. Now debtor is seeking to reopen a previous Chapter 13 case.

Section 350(b) of the Bankruptcy Code allows a Court to reopen a closed case "to administer assets, to accord relief to the debtor, or for other cause." 11 U.S.C. § 350(b). In the instant case, it does not appear and debtor does not allege that there was

or is a viable Chapter 13. Debtor's brief request does not provide any factual or legal basis that would allow the Court to reopen the case. Based on the record and pleadings in this case and debtor's subsequent Chapter 7 case (No. 08-82629), the motion to reopen this case must be and is hereby DENIED. Debtor would be well advised to obtain counsel to determine if he is eligible for bankruptcy relief.

IT IS SO ORDERED, this 1st day of June, 2009.


JOYCE BIARY
UNITED STATES BANKRUPTCY JUDGE

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