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MAR 13 2009

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: : CASE NO. 08-82629-JB  
: :  
TONY REBERTO WYCKOFF, :  
: CHAPTER 7  
Debtor. : :

ORDER

This case is before the Court on debtor's *pro se* motion to reopen this Chapter 7 case (Docket #23). After carefully considering the record and pleadings in this case, the Court concludes that the motion cannot be granted.

Debtor filed this Chapter 7 case on November 4, 2008, and the case was dismissed on January 26, 2009. Debtor filed two previous Chapter 13 cases: Case No. 08-62203 and Case No. 08-70388, one through counsel and one *pro se*. Both cases were dismissed. The instant case was dismissed due to debtor's failure to attend the meeting of creditors. Debtor also failed to file a number of documents required by the Bankruptcy Code including: (1) a certificate stating that debtor obtained credit counseling within one hundred eighty (180) days before filing bankruptcy as required by 11 U.S.C. § 109(h); (2) Schedules of debtor's assets and liabilities and a Statement of Financial Affairs required by 11 U.S.C. §§ 521(a)(1)(B)(I) and (iii) and Fed. R. Bankr. P. 1007(b); and (3) payment advices received within sixty (60) days before filing bankruptcy as required by 11 U.S.C. § 521(a)(1)(B)(iv). The Bankruptcy Rules require the Schedules, Statement of Financial Affairs and payment advices to be filed within fifteen (15) days of filing bankruptcy, and pursuant to § 521(i)(1) of the Bankruptcy Code, a debtor's failure to file these required

documents within forty-five (45) days after filing bankruptcy subjects a Chapter 7 case to automatic dismissal. In this case, the forty-fifth day was December 19, 2008, and debtor has still not filed any of these required documents. In addition, debtor failed to pay the filing fee, failed to attend the meeting of creditors first scheduled for December 15, 2008, and failed to attend the reset meeting of creditors scheduled for January 21, 2009. Accordingly, debtor's motion to reopen the case must be and is hereby DENIED. Debtor would be well advised to obtain counsel before filing another bankruptcy petition.

IT IS SO ORDERED, this 12<sup>th</sup> day of March, 2009.

  
JOYCE BIARY  
UNITED STATES BANKRUPTCY JUDGE

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