

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 12-64202

LISA M. DUNN,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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ORDER DENYING MOTION FOR RECONSIDERATION

This case is before the Court on the Debtor's motion entitled "ExParte Motion to Set Aside Order Dismissing the Chapter 7 Bankruptcy and for Entry of an Order Reinstating the Chapter 7 Bankruptcy for Entry of Discharge Order," filed September 12, 2013 (Docket # 23, the "Motion"), which Motion seeks reconsideration of, and relief from, the February 6, 2013 Order dismissing this case (Docket # 20).

The Court finds that the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

The Court also finds that the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), or grounds for relief under Fed.R.Civ.P. 60(b)(1),¹ or any other valid ground for relief from the order dismissing this case.

And the Court is denying the Debtor's Motion for the following additional reasons. First, the Motion was filed over seven months after entry of the Order dismissing this case, and therefore the Motion was not filed within a reasonable time, as required by Fed.R.Civ.P. 60(c)(1).

Second, the Motion does not demonstrate, or even allege, any reason, let alone a valid excuse, for either of the following: (a) Debtor's failure to pay the filing fee in full by the January 28, 2013 deadline for the last installment, as ordered in the Court's Order filed November 8, 2012 (Docket # 12); or (b) the failure of the Debtor and the Debtor's attorney to appear at the February 6, 2013 show cause hearing, despite both of them being ordered to appear by the Court's show-cause order filed January 30, 2013 (Docket # 18).

NOW, THEREFORE,

IT IS ORDERED that the Motion is denied.

¹ Federal Civil Rule 60(b) applies in this bankruptcy case under FedR.Bankr.P. 9024.

Signed on September 13, 2013

/s/ Thomas J. Tucker

**Thomas J. Tucker
United States Bankruptcy Judge**