

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 15-53898

GREGORY L MACE, SR.,

Chapter 13

Debtor.

Judge Thomas J. Tucker

ORDER DISMISSING CASE

On September 21, 2015, the Debtor filed a voluntary petition for relief under Chapter 13, commencing this case. But the Debtor is not eligible to be a debtor in this case under 11 U.S.C. § 109(g)(2), which provides:

(g) Notwithstanding any other provision of this section, no individual or family farmer may be a debtor under this title who has been a debtor in a case pending under this title at any time in the preceding 180 days if--

...

(2) the debtor requested and obtained the voluntary dismissal of the case following the filing of a request for relief from the automatic stay provided by section 362 of this title.

11 U.S.C. § 109(g)(2).

The Debtor was a debtor in a case pending within the preceding 180 days of filing this case: Case No. 11-63985, which was still pending until September 21, 2015. In that case, on December 27, 2012, Creditor Capital One Auto Finance filed a motion for relief from the automatic stay (Docket # 33 in Case No. 11-63985), and a motion for relief from the co-debtor stay (Docket # 34 in Case No. 11-63985) (collectively, the "Stay-Relief Motions"). On January 28, 2013, and on January 29, 2013, the Court entered orders resolving the Stay-Relief Motions based on stipulations between the parties (Docket ## 38-41 in Case No. 11-63985). Then later, on September 18, 2015, the Debtor filed a motion to voluntarily dismiss that case (Docket # 58),

and the Court entered an Order for voluntary dismissal on September 21, 2015 (Docket # 59).

Given these facts, under § 109(g)(2), the Debtor is not eligible to be a debtor in the present case, or in any bankruptcy case that is filed within 180 days after the September 21, 2015 dismissal of Case No. 11-63985.

Accordingly,

IT IS ORDERED that this bankruptcy case is dismissed.

Signed on September 29, 2015

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge