

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Case No. 23 B 4617
)	
FELICIAL L. WILLIAMS,)	Chapter 13
)	
Debtor.)	Judge David D. Cleary

**ORDER GRANTING TRUSTEE’S MOTION TO DISMISS CASE WITH 360-DAY BAR
TO REFILING**

This matter comes before the court on the motion of Marilyn O. Marshall, Standing Trustee (“Trustee”), to dismiss this bankruptcy case with a 360-day bar to refiling (“Motion to Dismiss with Bar”).

Felicial L. Williams (“Debtor”)¹ filed for relief under chapter 13 of the Bankruptcy Code on April 6, 2023 (“Second Case”). With the petition, Debtor filed Form 122C-1 as well as the Statement about Your Social Security Numbers. She did not file a proposed plan, Schedules or Statement of Financial Affairs. Despite checking the box on the petition that she had received a briefing from an approved credit counseling agency within the 180 days before she filed the petition, Debtor did not file a certificate of prepetition credit counseling. Although Debtor indicated on the petition that her case is related to another pending bankruptcy case (*In re Zena Perry*), she did not file a certification of relatedness.

11 U.S.C. § 521(a)(1)(B) requires the filing of schedules of assets and liabilities as well as of income and expenditures. According to § 521(i), “if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the date of the filing of the petition, the case shall be automatically

¹ According to the photo identification submitted with her petition, Debtor’s name is Felicia L. Williams. The court notified her of the error, but she did not file an amended petition to correct it.

dismissed effective on the 46th day after the date of the filing of the petition.” In this case, the 45-day deadline passed on Monday, May 22, 2023.² Debtor has not filed the documents required under the Bankruptcy Code.

At the time she filed her petition, Debtor applied to pay her filing fee in installments. The court granted her application and entered an order requiring installment payments. (EOD 7.) Debtor has paid none of the installments.

Debtor previously filed for relief under chapter 13 on January 4, 2023 (“First Case”). As in the Second Case, Debtor filed a petition, Form 122C-1 and the Statement about Your Social Security Numbers. In the First Case, she also filed a certification of relatedness indicating that her case was related to *In re R. Benjamin Smith*, 22 B 12760. She did not file a proposed plan, Schedules or Statement of Financial Affairs. Like the Second Case, Debtor filed an application requesting permission to pay her filing fee in installments. The court granted the application and ordered Debtor to pay the filing fee in four installments. (Case No. 23 B 76, EOD 9.) The court noticed a motion to dismiss the First Case for failure to pay the filing fee, which was granted on April 5, 2023. Debtor filed the Second Case the next day.

The Debtor and the related parties, Zena Perry and R. Benjamin Smith, filed a total of twelve cases since 2016. Each debtor has claimed in at least one case to live at 7709 S. Champlain, Chicago, Illinois, including the Debtor in the Second Case. The Second Case is the second case filed by the Debtor within one year. Pursuant to 11 U.S.C. § 362(c)(3), there is a presumption that Debtor filed the Second Case not in good faith. Debtor has failed to rebut the presumption.


² The 45th day after filing was Sunday, May 21, 2023. Pursuant to Fed. R. Bankr. P. 9006(a)(1)(C), if the last day of a period stated in days is a Sunday, that period continues to run until the end of the next day that is not a Saturday, Sunday or legal holiday.

Debtor did not appear at the hearing on the Motion to Dismiss with Bar, and she did not file a notice of objection or other response. Therefore, having reviewed the dockets in the First Case and in the Second Case, as well as the dockets of related parties Zena Perry and R. Benjamin Smith, having read the allegations in the Motion to Dismiss with Bar and considered the Trustee's arguments in open court, the court finds cause exists to dismiss the Second Case with a 360-day bar pursuant to 11 U.S.C. § 349(c). **IT IS ORDERED THAT:**

1. The Motion to Dismiss with Bar is **GRANTED**; and
2. Debtor Felicial L. Williams a/k/a Felicia L. Williams is prohibited from filing any case under Title 11 for a period of 360 days from the date of this order.

ENTERED:

Date: June 5, 2023



DAVID D. CLEARY
United States Bankruptcy Judge