

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

In re:	)	Case No. 24 B 17197
	)	
TAJIDDIN FAISAL,	)	Chapter 13
	)	
Debtor.	)	Judge David D. Cleary

**AMENDED ORDER GRANTING TRUSTEE’S MOTION TO DISMISS  
WITH 180-DAY BAR TO REFILING**

This matter comes before the court on the motion of Marilyn O. Marshall, Standing Chapter 13 Trustee (“Trustee”) to dismiss the bankruptcy case filed by Tajiddin Faisal (“Debtor”) with a 180-day bar to refiling (“Motion to Dismiss”). At the initial hearing on February 3, 2025, the court heard the arguments of the Trustee and Debtor. The court entered a briefing schedule, allowing Debtor until February 11, 2025 to file a response. He did not do so.

Having reviewed the Motion to Dismiss and considered the record by taking judicial notice of the docket in this case and in the Debtor’s prior cases, *see* [F.R.E. 201](#), the court will grant the Motion to Dismiss with a 180-day bar to refiling.

**I. JURISDICTION**

The court has subject matter jurisdiction under [28 U.S.C. § 1334\(b\)](#) and the district court’s Internal Operating Procedure 15(a). This is a core proceeding under [28 U.S.C. § 157\(b\)\(2\)\(A\)](#) and [\(O\)](#). Venue is proper under [28 U.S.C. § 1409\(a\)](#).

**II. BACKGROUND**

Debtor filed this case on November 15, 2024. It is the Debtor’s fifteenth bankruptcy case and his fourth chapter 13 case in less than three years. According to the court’s CM/ECF system, the allegations in the Motion to Dismiss and in the motions to dismiss filed in his earlier cases, as

well as the final report and accounts filed in those cases, the history of Debtor's cases is as follows:

<b>Case Number</b>	<b>Chapter</b>	<b>Petition Date</b>	<b>Disposition</b>
97 B 18477	13	June 16, 1997	Dismissed September 18, 1997 for denial of confirmation
03 B 45828	7	November 10, 2003	Chapter 7 discharge issued March 12, 2004
04 B 24219	13	June 28, 2004	Dismissed August 23, 2004 for failure to file a plan
11 B 14756	13	April 7, 2011	Dismissed May 9, 2011 for failure to file a plan
11 B 24407	13	June 9, 2011	Dismissed July 25, 2011 for failure to file credit counseling certificate
11 B 34056	13	August 19, 2011	Dismissed October 6, 2011 for failure to file required documents under <a href="#"><u>11 U.S.C. § 521</u></a>
12 B 18853	7	May 8, 2012	Chapter 7 discharge issued November 7, 2012
15 B 4208	13	February 9, 2015	Dismissed July 2, 2015 for unreasonable delay
15 B 23278	13	July 7, 2015	Plan confirmed August 31, 2015. Dismissed July 20, 2017 for failure to make plan payments
18 B 6192	13	March 5, 2018	Dismissed August 23, 2018 for failure to maintain payments, amend Schedule B, address the IDOR claim and file a feasible plan
20 B 16693	7	September 4, 2020	Chapter 7 discharge issued December 15, 2020
22 B 1806	13	February 17, 2022	Dismissed May 11, 2022 for failure to make any plan payments, provide required identification, attend the meeting of

			creditors or commit all disposable income to the plan
22 B 6922	13	June 21, 2022	Dismissed March 6, 2023 without confirmation of a plan, for failure to make plan payments
23 B 3839	13	March 22, 2023	Dismissed on September 23, 2024, following denial of confirmation after a contested confirmation hearing

In the Motion to Dismiss, the Trustee states that Debtor did not file certain documents required by [11 U.S.C. § 521](#) within 45 days of the date of the petition. On January 8, the Debtor filed Schedules A through I and on January 15, 2025, the Debtor filed Schedule J. Debtor has not filed the Statement of Financial Affairs.

Neither has Debtor filed a chapter 13 plan, which is due 14 days after the filing of the petition, pursuant to [Fed. R. Bankr. P. 3015](#). Since there is no plan on file, Debtor has not tendered any plan payments. Debtor did not appear at the confirmation hearing scheduled for January 6, 2025.

Finally, the Trustee asserts that Debtor has not tendered any of the documents required in order to hold the meeting of creditors under [11 U.S.C. § 341](#). These documents include four years of tax returns or a statement regarding no requirement to file taxes, and proof of identification.

The court initiated a motion to dismiss for failure to pay the filing fee. According to the order entered on November 20, 2024, the court authorized Debtor to pay the filing fee in four installments of \$78.25 beginning on December 20, 2024 and continuing monthly until March 20, 2025. Debtor made the first installment payment on December 12, 2024, but did not pay the

January or February installments on time. Debtor paid the balance of the filing fee on February 21, 2025.

The Debtor appeared in court on February 3, 2025, and verbally opposed the Motion to Dismiss. He asserted that he put all of his paperwork in, but that every time he tries to put a plan together, it does not work out. He received a bill from the Cook County Treasurer for \$48,000 and does not understand what he owes.<sup>1</sup> Debtor asked the court whether or not he was required to pay the Cook County Treasurer and requested a continuance to see if he could resolve the issues, stating that he has an attorney to whom he will explain the situation.

Creditor DLRE LLC appeared at the hearing and voiced support for the relief requested in the Motion to Dismiss. It suggested that the bar to re-filing should be longer than 180 days.

The court set a deadline of February 11 for Debtor to file a written response and continued the hearing on the Motion to Dismiss to February 24, 2025, with the initial hearing on the court's motion to dismiss for failure to pay the filing fee.

Debtor did not file a written response to the Motion to Dismiss.

### **III. DISCUSSION**

#### **A. Dismissal is warranted pursuant to 11 U.S.C. § 521(i)**

11 U.S.C. § 521(a)(1) requires a debtor to file, among other documents, “(i) a schedule of assets and liabilities; (ii) a schedule of current income and current expenditures; [and] (iii) a statement of the debtor’s financial affairs[.]”

If a chapter 13 debtor fails to comply with these requirements, § 521(i) sets forth the consequences:

- (1) Subject to paragraphs (2) and (4) and notwithstanding section 707(a), 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

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<sup>1</sup> The Cook County Treasurer’s Office filed a proof of claim on December 9, 2024, in the amount of \$46,624.30.

the date of the filing of the petition, the case shall be automatically dismissed effective on the 46th day after the date of the filing of the petition.

- (2) Subject to paragraph (4) and with respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 7 days after such request.
- (3) Subject to paragraph (4) and upon request of the debtor made within 45 days after the date of the filing of the petition described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.
- (4) Notwithstanding any other provision of this subsection, on the motion of the trustee filed before the expiration of the applicable period of time specified in paragraph (1), (2), or (3), and after notice and a hearing, the court may decline to dismiss the case if the court finds that the debtor attempted in good faith to file all the information required by subsection (a)(1)(B)(iv) [copies of payment advices] and that the best interests of creditors would be served by administration of the case.

11 U.S.C. § 521(i).

Since Debtor filed his petition for relief under chapter 13 on November 15, 2024, the 45th day after filing was December 30, 2024. Debtor filed Schedules A through I on January 8, 2025, and filed Schedule J one week later. Debtor has not filed the Statement of Financial Affairs and has not requested an extension of time.

The language of 11 U.S.C. § 521(i) is unambiguous. “[I]n interpreting a statute a court should always turn first to one, cardinal canon before all others. We have stated time and again that courts must presume that a legislature says in a statute what it means and means in a statute what it says there.” *Conn. Nat’l Bank v. Germain*, 503 U.S. 249, 253-54 (1992). Therefore, “[w]hen we find the terms of a statute unambiguous, judicial inquiry is complete, except in rare and exceptional circumstances.” *Rubin v. United States*, 449 U.S. 424, 430 (1981) (quotation omitted).

Bankruptcy judges have no discretion if the documents required by § 521(a)(1) are not on the docket. They must dismiss a bankruptcy case on the 46th day after the petition date. *See In re Bagwell*, No. 24-11809 (DSJ), [2024 WL 5190413](#), at \*3 (Bankr. S.D.N.Y. Dec. 20, 2024) (“First, and most importantly, the plain language of section 521(i) expressly and without textual exception mandates automatic dismissal, ‘effective on the 46th day’ after the petition date, if debtor fails to timely file schedules as required by section 521(a).”). *See also In re LLC 107CH12487*, [608 B.R. 830, 844](#) (Bankr. N.D. Ill. 2019) (“the automatic nature of the dismissal under section 521(i) takes away any discretion of the bankruptcy court regarding dismissal”); *Matter of Lugo*, [592 B.R. 843, 846](#) (Bankr. N.D. Ind. 2018) (“Much like Cinderella’s pumpkin at midnight, if the required information has not been filed by the statutory deadline the magic ends and the case is automatically dismissed by operation of law on day 46.”).

Under the plain language of the Bankruptcy Code, the court must grant the Motion to Dismiss. *See* [11 U.S.C. § 521\(i\)\(1\)](#). Moreover, this is Debtor’s fifteenth bankruptcy case. Presumably he is familiar with the requirements of the Bankruptcy Code.

For all of the reasons stated above, the court finds that Debtor has not complied with [11 U.S.C. § 521\(a\)\(1\)](#). Therefore, the court must dismiss this bankruptcy case.

**B. Cause exists to dismiss this bankruptcy case pursuant to [11 U.S.C. § 1307\(c\)\(1\)](#)**

Although the court could dismiss this case solely on the basis that Debtor failed to comply with § 521(a)(1), the court will also consider whether cause exists to dismiss this case under [11 U.S.C. § 1307\(c\)](#): “Except as provided in subsection (f) of this section, on request of a party in interest or the United States trustee and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 7 of this title, or may dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause[.]”

Section 1307(c) includes a list of circumstances that constitute cause, and the first item on that list is “unreasonable delay by the debtor that is prejudicial to creditors[.]” The Trustee asserts that Debtor’s failure to appear at either the meeting of creditors or the initial confirmation hearing, and his failure to file a plan or to tender the documents required to hold the meeting of creditors, constitutes unreasonable delay.

The court finds that Debtor’s failure to comply with the requirements of the Bankruptcy Code constitutes unreasonable delay, and therefore cause exists to dismiss this bankruptcy case. Debtor did not submit tax returns or proof of identification to the Trustee, both of which are required in order to hold the meeting of creditors under [11 U.S.C. § 341](#). Therefore, the meeting of creditors that was scheduled for December 16, 2024 could not go forward and it was not reset.

Additionally, debtors are required to “commence making payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier[.]” [11 U.S.C. § 1326\(a\)\(1\)](#). The commencement of Debtor’s voluntary case on November 15 was an order for relief, so the first payment would have been due on or about December 15, 2024. Since Debtor did not file a plan, he has made no payments. Debtor has had the benefit of the automatic stay for more than three months without taking the steps required to move his case forward to confirmation of a chapter 13 plan.

For all of the reasons stated above, the court finds that there has been unreasonable delay by the Debtor that is prejudicial to creditors. This constitutes cause to dismiss his bankruptcy case pursuant to [11 U.S.C. § 1307\(c\)\(1\)](#).

**C. This case presents an extreme situation that warrants dismissal with a bar**

The only remaining question is whether the court will grant the Trustee's request to dismiss with a 180-day bar to refiling. Trustee cites [11 U.S.C. § 349\(a\)](#), which provides that the court may dismiss a bankruptcy case with prejudice:

Unless the court, for cause, orders otherwise, the dismissal of a case under this title does not bar the discharge, in a later case under this title, of debts that were dischargeable in the case dismissed; nor does the dismissal of a case under this title prejudice the debtor with regard to the filing of a subsequent petition under this title, except as provided in section 109(g) of this title.

[11 U.S.C. § 349\(a\)](#). The Seventh Circuit has ruled that under § 349 a court may dismiss a case with a bar to refiling:

Normally, a dismissal of a bankruptcy petition has no long-term consequences for the debtor's ability to re-file. There is an exception, however, if the court "for cause" orders that the dismissal of the case is with prejudice. In that instance, the order may either bar the later dischargeability of debts that would have been dischargeable in the dismissed proceeding, or it may preclude the debtor from filing a subsequent petition related to those debts. Dismissals with prejudice are therefore generally reserved for extreme situations, such as when a debtor conceals information from the court, violates injunctions, files unauthorized petitions, or acts in bad faith. *In re Tomlin*, [105 F.3d 933, 937](#) (4th Cir.1997) (filing six bankruptcy petitions in seven years)[.]

*In re Hall*, [304 F.3d 743, 746](#) (7th Cir. 2002) (citations omitted). *See also In re Bell*, [125 F. App'x 54](#) (7th Cir. 2005) (unpublished order).

Although serial filings are not bad faith per se, "a debtor's history of filings and dismissals may be evidence of bad faith." *In re Rios*, No. 13-11076, [2016 WL 8461532](#), at \*3 (Bankr. D. Kan. Dec. 9, 2016) (footnote omitted). Moreover, filing a bankruptcy case without any ability or intent to reorganize is an abuse. *See In re Traylor*, [628 B.R. 1, 7](#) (Bankr. D. Conn. 2021). *See also In re King*, [126 B.R. 777, 781](#) (Bankr. N.D. Ill. 1991) ("Strategic use of serial filings, particularly when coupled with failure to carry out debtor's duties in bankruptcy, shows lack of good faith justifying dismissal.").



Starting in 2011, Debtor filed nine chapter 13 cases prior to this one. He confirmed a plan of reorganization in only one of those cases. Debtor filed his most recent chapter 13 case on March 22, 2023, and the court denied confirmation of his proposed plan on August 19, 2024, after holding a contested confirmation hearing. The court dismissed that case on September 23, 2024.

Debtor's serial bankruptcy filings, without any showing that he intends to go forward with a plan of reorganization, are evidence of bad faith. *See In re Fumbanks*, No. 24 B 11314, [2025 WL 470356](#) (Bankr. N.D. Ill. Feb. 12, 2025) (imposing a two-year bar on a debtor who filed fifteen chapter 13 cases without confirmation of a plan or a single plan payment to the Trustee); *In re Binion*, No. 23 B 5260, [2023 WL 4781665](#), at \*7 (Bankr. N.D. Ill. July 26, 2023) (imposing a three-year bar after finding that "[w]ithout a bar that remains in place for a meaningful period of time, Debtor and his partner will continue their manipulation of the court system"); *In re Via*, No. 3:19-BK-33999-SHB, [2020 WL 1015264](#), at \*5 (Bankr. E.D. Tenn. Feb. 27, 2020) (imposing a five-year bar on a debtor with "a long history of multiple filings and dismissals based on his failure to comply with the threshold requirements of the Bankruptcy Code and orders of this Court" after "Debtor apparently did not learn from the two-year bar imposed by this Court in 2015"); *In re Jones*, [289 B.R. 436, 440](#) (Bankr. M.D. Ala. 2003) (imposing a five year bar order after considering "the Debtor's pattern of conduct, repeated instances of bad faith and lack of meaningful participation in the prosecution of any of her five cases").

This is Debtor's fifteenth bankruptcy case. He confirmed a plan of reorganization in only one of the nine chapter 13 cases that he filed in the past fourteen years. Debtor's pattern of conduct and failure to comply with the statutory requirements imposed on those who seek relief

under the Bankruptcy Code warrant dismissal with prejudice. The court will therefore grant the Trustee's request for a 180-day bar to refiling.

#### IV. CONCLUSION

Having reviewed the papers filed and considered the arguments of the parties, the court concludes that Debtor failed to comply with 11 U.S.C. § 521(a)(1) and that there is unreasonable delay that is prejudicial to creditors. Therefore, this bankruptcy case will be dismissed. Because of the extreme situation presented by these particular circumstances, **IT IS ORDERED THAT:**

1. The Motion to Dismiss is **GRANTED**; and
2. Tajiddin Faisal is barred from filing a petition under any chapter of title 11 of the United States Code for 180 days from the date of the entry of this Order, pursuant to 11 U.S.C. § 349.

ENTERED:

Date: February 24, 2025



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DAVID D. CLEARY  
United States Bankruptcy Code