

United States Bankruptcy Court, Northern District of Illinois

Name of Assigned Judge	A. Benjamin Goldgar	CASE NO.	08 B 32827
DATE	November 22, 2011	ADVERSARY NO.	
CASE TITLE	Jo Ann Cosby-Weaver		
TITLE OF ORDER	Order denying motion to vacate dismissal and barring further filings in this case except a motion to reopen case accompanied by the full fee		

DOCKET ENTRY TEXT

The debtor's motion to vacate dismissal is denied. The clerk of the court is ordered not to accept any further filings from the debtor in this case except a motion to reopen the case accompanied by payment of the reopening fee in full.

[For further details see text below.]

STATEMENT

This chapter 13 bankruptcy case, filed *pro se* by debtor Jo Ann Cosby-Weaver, was dismissed on March 3, 2009. The case was closed on October 9, 2009. It has never been reopened. Since March 2009, the debtor has filed nearly one hundred motions to vacate the dismissal. Each of the motions has been identical, hand-written on notebook paper. None of them has stated a reason to vacate the dismissal. The debtor has never appeared in court to present any of the motions, and the court has denied all of them.

Had the debtor appeared in court to present even one of her motions, the court would have explained to her that she has given no reason to vacate the dismissal of her case, that the court's ability to vacate the dismissal is extremely limited at this late date in any event, *see* Fed. R. Bankr. P. 9024, and that continuing to file these motion is pointless, a waste of her time and money. The court would also have explained that she is not entitled to have the court entertain *any* motion unless she first moves to have the case reopened and pays the statutory fee (currently \$235). *See* 28 U.S.C. § 1930 App.

But the debtor has not appeared; she has simply continued to file motions to vacate, like clockwork, every two to three weeks, without ever reopening the case and without paying the required fee. The debtor's repeated filings are not only a waste of her time and money, they

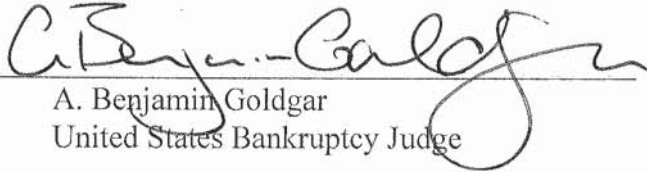
STATEMENT

waste the time of the court and its staff. After nearly three years of this, enough is enough. *See Montgomery v. Davis*, 362 F.3d 956, 957 (7th Cir. 2004) (*per curiam*) (noting that at a certain point frivolous filings “must stop”).

The current motion states no more reason to vacate the dismissal than its predecessors and is accordingly denied. The clerk of the court is ordered not to accept any further filings from the debtor in this case *except* a motion to reopen the case accompanied by payment of the reopening fee in full.

A copy of this order will be mailed to the debtor at her last known address.

Dated: November 22, 2011


A. Benjamin Goldgar
United States Bankruptcy Judge

