

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document has been entered electronically in the record of the United States Bankruptcy Court for the Northern District of Ohio.



Dated: April 29 2016

A blue ink signature of Mary Ann Whipple, written in a cursive style.

Mary Ann Whipple  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>In Re:</b>	)	<b>Case No. 16-30825</b>
	)	
Douglas Paul Fay,	)	<b>Chapter 7</b>
	)	
	)	<b>JUDGE MARY ANN WHIPPLE</b>
<b>Debtor.</b>	)	

**ORDER OF DISMISSAL, WITH PREJUDICE**

This matter comes before the Court upon the failure by Debtor to comply and respond to the court's Order to Show Cause entered on April 8, 2016 [Doc. # 10].

On March 21, 2016, the Debtor, proceeding pro se, commenced this Chapter 7 case by filing his petition. He did not, however, file the Certificate of Credit Counseling required to be filed with the petition or within the time specified by the Federal Rules of Bankruptcy Procedure, and no request for extension was filed. The Court's Order to Show Cause specified that the case would be dismissed without further notice or opportunity for hearing if the filing was not made or other response provided by April 22, 2016. None of the required filings having been made, no response having been received to the Order to Show Cause, and Debtor having failed to prosecute this case in accordance with the Bankruptcy Code and Rules of Bankruptcy Procedure, cause exists for dismissal of this case. *See* 11 U.S.C. § 707(a)(1). Debtor has not demonstrated that he is eligible to be a debtor under 11 U.S.C. § 109(h) in the manner required by the

applicable Rules of Bankruptcy Procedure.

Also, on March 21, 2016, the court entered an order granting Debtor's application to pay in installments the entire filing fee balance due in the amount of \$335. [Doc. # 5]. Debtor paid none of the \$335 filing fee at commencement of the case. The court's order required the filing fee balance to be paid in three installments of \$100.00 each and one installment of \$35.00. The first installment was due on April 1, 2016; none of the installments have been paid to date. Notwithstanding dismissal of this case, the unpaid filing fee remains due, because it was due in full when the case was filed even though the court permitted it to be paid in installments. The court's show cause order also states that Debtor will be prohibited from filing or obtaining relief in another case under any chapter of the Bankruptcy Code unless the unpaid balance due is paid in full. Debtor has failed to make any installment payments of the filing fee. This case will, therefore, be dismissed with prejudice as indicated in the court's April 8, 2016, order. *See also* 11 U.S.C. § 707(a)(2).

**THEREFORE**, good cause appearing,

**IT IS ORDERED** that the above captioned Chapter 7 case be, and hereby is, **DISMISSED**, with prejudice, as follows: (1) Debtor is prohibited from filing and obtaining relief in another case under any chapter of the Bankruptcy Code in any court unless and until the \$335 filing fee due from this case is first paid in full, and no discharge or other relief, including the automatic stay of 11 U.S.C. § 362(a), will take effect or be granted in any subsequent case filed or attempted to be filed at any time unless and until the \$335 unpaid filing fee herein is first paid in full; and (2) Regardless of the status of payment of the \$335 filing fee, Debtor is prohibited from filing another case under any chapter of the Bankruptcy Code in any court for a period of 180 days from the date of entry of this order due to his willful failure to obey the orders of the court regarding payment of the filing fee pursuant to 11 U.S.C. § 109(g).

**IT IS FURTHER ORDERED** that the Clerk, U.S. Bankruptcy Court, serve a notice of this Order of Dismissal, With Prejudice, upon the Debtor, Trustee, and all Creditors and parties in interest.

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