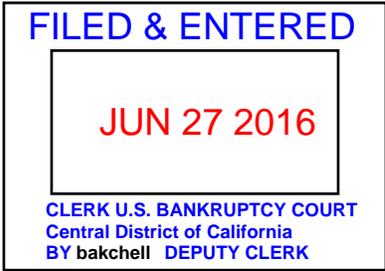


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NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:
RAQUEL AGUIRRE,
Debtor.

Case No. 2:15-bk-23883-RK
Chapter 7
**ORDER VACATING THE DISMISSAL
AND REINSTATING CHAPTER 7
BANKRUPTCY CASE UPON DEBTOR'S
"MOTION TO RE-OPEN MY CASE"**

Pending before the court is Debtor Raquel Aguirre's ("Debtor") motion to reopen her closed Chapter 7 bankruptcy case ("Motion"). ECF 18, filed on June 23, 2016. Debtor represents herself in pro per.

On November 13, 2015, the court entered an order dismissing Debtor's Chapter 7 bankruptcy case for failure to pay the third installment of her filing fee. ECF 15. On November 25, 2015, Debtor's Chapter 7 bankruptcy case was closed in light of the dismissal order. ECF 17. Debtor filed her Motion to reopen on June 23, 2016 requesting the reopening of her Chapter 7 bankruptcy case and explaining that she was unable to timely pay the third installment for medical reasons, and indicating that the third installment had been paid. ECF 18. Upon review of the docket, the court notes that the

1 third installment of the filing fee is shown as paid on November 20, 2015, a week after the
2 entry of dismissal.

3 Although Debtor brought this Motion to reopen her closed Chapter 7 bankruptcy
4 case, such a motion is not necessary pursuant to Court Manual, § 2.8(c), which permits
5 Debtor to simply file a motion to vacate the dismissal. Accordingly, having reviewed and
6 considered the Motion, the court determines based on reading the content of the Motion
7 and Court Manual, § 2.8(c), that Debtor really intended to bring a motion to vacate the
8 dismissal of her Chapter 7 bankruptcy case pursuant to Federal Rule of Bankruptcy
9 Procedure (“Bankruptcy Rule”) 9024, which incorporates by reference Federal Rule of
10 Civil Procedure (“Civil Rule”) 60(b)(1). Additionally, the court determines that Debtor has
11 provided sufficient explanation to show that her failure to timely pay the third installment
12 by the deadline was due to “excusable neglect” as a result of her medical procedure to
13 warrant reconsideration of the dismissal of her bankruptcy case under Civil Rule 60(b)(1).

14 In considering the totality of circumstances of Debtor’s Motion and explanation of
15 her circumstances, IT IS ORDERED as follows:

- 16 1. Debtor’s motion to reopen her closed Chapter 7 bankruptcy case is
17 construed as a motion to vacate the dismissal and is GRANTED pursuant
18 to Bankruptcy Rule 9024 and Civil Rule 60(b)(1).
- 19 2. The order dismissing this bankruptcy case is hereby VACATED, and the
20 case is reinstated as an active bankruptcy case.

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3. The Chapter 7 trustee is ordered to be reappointed to administer Debtor's
bankruptcy estate in this case.

IT IS SO ORDERED.

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Date: June 27, 2016



Robert Kwan
United States Bankruptcy Judge