



**ORDER NOT FOR PUBLICATION**

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES DIVISION

In re:

**HENRY HOBODY,**

Debtor.

Case No. 2:15-bk-27518-RK

Chapter 7

**ORDER GRANTING MOTION TO  
VACATE DISMISSAL STYLED AS A  
"MOTION TO REOPEN CASE" AND  
VACATING DISMISSAL OF CASE**

The court entered an order dismissing Debtor Henry Hobdy's ("Debtor") Chapter 7 bankruptcy case on December 2, 2015 for failure to file schedules, statements and/or plan. ECF 10. Debtor filed the required documents on December 4, 2015, ECF 13, and filed the pending "motion to reopen case" on December 18, 2015, ECF 14.

Having reviewed and considered the motion to reopen, the court finds that Debtor who is self-represented meant to bring a motion to vacate the order dismissing the case as indicated by the contents of the motion, and thus, the court will construe Debtor's "motion to reopen" as a motion to vacate the final order of dismissal pursuant to Federal Rule of Bankruptcy Procedure 9024, which incorporates by reference Federal Rule of Civil Procedure 60(b), and Local Bankruptcy Rules 1017-2(c) and 9013-1(q); and further finds that Debtor's motion was timely brought before the court, Debtor's failure to timely file his schedules and statements was due to inadvertence or mistake as explained in the

1 moving papers (“In the process of downsizing and finding a smaller apartment to live in,  
2 once the case was certified on November 16, 2015, it was our understanding that the  
3 required documents needed to be postmarked within the fourteen (14) day window, and  
4 all required documents and schedules were actually postmarked for Tuesday, December  
5 1, 2015. We thought we were actually compliant within the appropriate timeframe, but  
6 our case was dismissed.” Motion at 2.), and Debtor filed his schedules and statements  
7 on December 4, 2015. Good cause appearing therefor:

8 IT IS ORDERED that Debtor’s motion to vacate the order for dismissal styled as a  
9 “motion to reopen” is GRANTED pursuant to Federal Rule of Bankruptcy Procedure 9024  
10 and Local Bankruptcy Rules 1017-2(c) and 9013-1(q), and the prior order dismissing this  
11 case is hereby VACATED. The case is reinstated as an active case.

12 IT IS SO ORDERED.

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24 Date: January 8, 2016



25 Robert Kwan  
26 United States Bankruptcy Judge  
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