



NOT FOR PUBLICATION
UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:
ATIQUE H. CHOWDHURY,
Debtor.

Case No.: **2:16-bk-14281-RK**

Chapter 7

**ORDER CONDITIONALLY GRANTING
DEBTOR'S MOTION TO VACATE DISMISSAL
AND REINSTATE CHAPTER 7 BANKRUPTCY
CASE**

Pending before the court is Debtor Atique H. Chowdhury's motion to vacate the dismissal order of and reinstate his Chapter 7 case for failure to timely file all of his case opening documents by the April 18, 2016 deadline ("Motion"). ECF 17. The court issued the dismissal order on April 22, 2016. ECF 15.

Having considered the Motion and the attached Declaration of Debtor and Exhibit "A," the court determines that Debtor, who is self-represented, in his Motion has provided sufficient explanation to show that his failure to timely file all of his case opening documents

1 by the deadline was due to “excusable neglect” arising from his misunderstanding as to what
2 forms were required to warrant reconsideration of the dismissal of his bankruptcy case under
3 Federal Rule of Bankruptcy Procedure (“Bankruptcy Rule”) 9024, which makes Federal Rule
4 of Civil Procedure (“Civil Rule”) 60(b)(1) applicable here. However, although Debtor
5 attached copies of the required case opening documents as Exhibit “A” to the Motion in
6 compliance with Local Bankruptcy Rule 1017-2(c)(1), the documents were not signed by
7 Debtor.

8 In considering the totality of the circumstances of Debtor’s Motion and the explanation
9 of his circumstances,

10 IT IS ORDERED as follows:

- 11 1. Debtor’s Motion is GRANTED pursuant to Bankruptcy Rule 9024 and Local
12 Bankruptcy Rules 1017-2(c)(1) and 9013-1(q), subject to the condition that
13 Debtor signs and files the required case opening documents on or before May
14 24, 2016.
- 15 2. The order dismissing this bankruptcy case is hereby VACATED, and the case
16 is reinstated as an active bankruptcy case.
- 17 3. The Chapter 7 trustee is ordered to be reappointed to administer Debtor’s
18 Chapter 7 bankruptcy case.
- 19 4. If the required case opening documents are not signed and filed by Debtor on
20 or before May 24, 2016, the court may reconsider and vacate this order and
21 issue another order for dismissal.

22 IT IS SO ORDERED.

23 Date: May 3, 2016



24
25 Robert Kwan
26 United States Bankruptcy Judge