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NOT FOR PUBLICATION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

In re:
DEBORAH D. MITCHELL,

Debtor.

Case No. 2:16-bk-17023-RK
Chapter 7
**ORDER CONDITIONALLY GRANTING
DEBTOR'S MOTION TO VACATE
DISMISSAL AND REINSTATE CHAPTER
7 BANKRUPTCY CASE**
[No Hearing Required]

Pending before the court is Debtor Dorothy D. Mitchell's ("Debtor") motion to vacate the dismissal of and reinstate her Chapter 7 case ("Motion"). ECF 21. On July 12, 2016, the court entered its Order dismissing her Chapter 7 case for failure to timely file all of the information required under 11 U.S.C. § 521(a)(1)(B)(iv), including copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of her petition from any employer. ECF 19.

Having reviewed the Motion and the court's record, the court determines that Debtor in her Motion has shown that she was under the mistaken belief that she timely filed the required information with her petition. Accordingly, the court determines that Debtor's failure to timely file the required information was due to her "excusable neglect" to warrant reconsideration of the dismissal of her bankruptcy case under Federal Rule of

1 Bankruptcy Procedure (“Bankruptcy Rule”) 9024, which incorporates by reference
2 Federal Rule of Civil Procedure (“Civil Rule”) 60(b)(1). Additionally, the court notes that
3 Debtor filed the required information as an exhibit attached to her Motion.

4 Accordingly, in considering the totality of the circumstances of Debtor’s Motion,
5 and the explanation of her circumstances,

6 IT IS ORDERED as follows:

- 7 1. Debtor’s Motion is GRANTED pursuant to Bankruptcy Rule 9024 and Local
8 Bankruptcy Rules 1017-2(c)(1) and 9013-1(q) on the condition that Debtor
9 complies with paragraph 4 below;
- 10 2. The order dismissing this bankruptcy case is hereby VACATED, and the
11 case is reinstated as an active bankruptcy case;
- 12 3. The Chapter 7 trustee is ordered to be reappointed to administer Debtor’s
13 Chapter 7 case; and
- 14 4. Debtor is ordered to file the required information with the court within
15 21 days of entry of this Order or, otherwise, the court may reconsider
16 and vacate this order and issue another order for dismissal.

17 **IT IS SO ORDERED.**

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24 Date: August 23, 2016

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Robert Kwan
United States Bankruptcy Judge