

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

BEVERLY ANN LAVIGNE,

Debtor.

Chapter 11

Case No. 16-20035

ORDER DENYING MOTION TO REOPEN CASE

This matter came before the Court on the Debtor's Motion to Reopen Bankruptcy Case filed on October 25, 2019 (Docket Entry "D.E." 35) (the "Motion to Reopen"). Earlier, the Court dismissed this case by order dated February 5, 2016 (D.E. 13) after the Debtor failed to timely file a creditor matrix, a verification of creditor matrix and a list of creditors holding the twenty largest unsecured claims (the "Dismissal Order").

The Debtor appealed the Dismissal Order and elected to have the appeal heard by the United States District Court for the District of Maine. The District Court issued an order denying the appeal on August 3, 2018 (D.E. 27) and the Debtor appealed to the United States Court of Appeals for the First Circuit which affirmed the Dismissal Order (D.E. 34). After receiving the Judgment and Mandate from the First Circuit, this Court re-closed the case on July 22, 2019.

The Debtor seeks to reopen this case on four grounds: (1) "Case had been reopened and lack of notice, denying due process of law"; (2) "Incompetence of counsel, Attorney failed to notify or prepare or deliver legal work to the courts"; (3) "Courts failed to follow their own Court Procedures, altered records and creating false record"; and (4) "Most actions occurred after Notice of Appeal Feb 17, 2016 as post-petition transactions with fraudulent conveyances".

Bankruptcy cases may be reopened "to administer assets, to accord relief to the debtor, or for other cause." 11 U.S.C. § 350(b). Based upon her Motion to Reopen, this Court cannot discern a proper basis upon which to grant the relief the Debtor seeks. She does not allege that an asset should be administered. Her complaints are unclear and vague. They relate to administrative actions taken by the clerk's office that do not implicate substantive rights of the Debtor or they seek to assert the same arguments the Debtor unsuccessfully raised on appeal to the District Court and the First Circuit. Accordingly, the Motion to Reopen is hereby denied.

Dated: October 30, 2019

/s/ Peter G. Cary

Judge Peter G. Cary

United States Bankruptcy Court