

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

Eric R. Plante and Jasmine M. Plante,

Debtors

Chapter 13
Case No. 15-10017

ORDER DENYING MOTION TO RECONSIDER

The chapter 13 trustee moved the Court for an order dismissing this joint chapter 13 case. The motion was filed on October 11, 2016, and was accompanied by a notice of hearing and a certificate of service. The notice of hearing identified November 9 as the objection deadline. The certificate of service shows that the motion and the notice of hearing were served on the Debtors at their principal residence, and on the Debtors' counsel. As of November 13, 2016, there were no objections or other responses to the trustee's motion.

On November 14, 2016, the Court issued an order granting the trustee's motion and dismissing the Debtors' case. Several hours later, the Debtors filed a motion to amend the order of dismissal, asking the Court to "allow them to convert the chapter 13 case to a chapter 7 proceeding." [Dkt. No. 54.] They also filed a notice of voluntary conversion to chapter 7, and paid the filing fee associated with the conversion. After the motion to amend was stricken by a corrective entry, the Debtors moved for reconsideration of the dismissal order, requesting the same relief that they had sought in their motion to amend.

The Debtors offer no explanation for their failure to timely respond to the trustee's motion, or their failure to elect to convert the case to chapter 7 before the Court acted on the trustee's motion. There are no allegations that, if proven, would establish the type of

exceptional circumstances, newly discovered evidence, or manifest error of law that would support reconsideration of a final order. *See* Fed. R. Bankr. P. 9023, 9024; *see also* Fed. R. Civ. P. 59, 60.

The Debtors' motion to reconsider the order of dismissal [Dkt. No. 57] is denied. The Debtors' notice of conversion [Dkt. No. 55] is ineffective. The Clerk is ordered to refund the filing fee paid in connection with the attempted conversion.

Dated: November 21, 2016



Michael A. Fagone
United States Bankruptcy Judge
District of Maine