

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

In Re:	)	
	)	<b>JUDGE RICHARD L. SPEER</b>
Robert L. Keller	)	
	)	Case No. 01-36952
Debtor(s)	)	
	)	

**DECISION AND ORDER**

This matter comes before the Court upon the Court's Motion to Dismiss and the Court's Motion to Enjoin the Debtor from refile for bankruptcy relief. For purposes of this Court's Motion to Dismiss, the Court finds as follows:

On November 9, 2001, the Debtor, Robert L. Keller, filed a petition in this Court for relief under Chapter 7 of the United States Bankruptcy Code.

The bankruptcy petition filed by the Debtor failed to contain Schedules, a Statement of Financial Affairs under Chapter 7 and a Statement of Intent. Section 521 of the Bankruptcy Code and Bankruptcy Rule 1007 require that a debtor file these documents with the Court.

On the basis of the Debtor's failure to file the above documents, this Court, on December 31, 2001, issued an Order to Show Cause as to why the Debtor's bankruptcy case should not be dismissed for want of prosecution. In this Order, the Debtor was given until January 14, 2002, by 4:00 P.M., to file the above-stated documents or otherwise respond to the Court's Order to Show Cause. In the Court's Order to Show Cause, the Debtor was put on notice that if he failed to file the required documents, his case would be Dismissed without the need for further notice or hearing.

As of January 14, at 4:00 P.M., the Debtor has failed to file with the Court the required documents or otherwise respond to this Court's Order to Show Cause.

Based upon these findings, the Court finds that cause exists under 11 U.S.C. § 707(a) to Dismiss the Debtor's bankruptcy case.

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With respect to this Court's Motion to Enjoin the Debtor from refileing for bankruptcy relief, the Court finds as follows:

On August 4, 1995, the Debtor filed a petition in this Court for relief under Chapter 13 of the United States Bankruptcy Code. On November 13, 1995, an Order was entered granting the Debtor's Motion to Dismiss.

Including the instant case, the Debtor has, since 1998, petitioned this Court for relief under Chapter 7 of the United States Bankruptcy Code on seven (7) separate occasions: September 24, 1998; June 3, 1999; November 4, 1999; April 13, 2000; October 13, 2000; April 20, 2001; and November 9, 2001. All of these cases were dismissed shortly after they were originally filed on account of the Debtor's failure to properly prosecute the case.

In considering the Debtor's numerous bankruptcy petitions, in conjuncture with the short period of time between their dismissal and the filing of the Debtor's subsequent bankruptcy case, the Court finds that the Debtor has engaged in a pattern of abusive serial filings.

Based upon the above findings, it is the judgment of this Court that it would constitute a gross abuse of the Bankruptcy Court and the Bankruptcy Process if the Debtor were to file, in the near future, another petition for relief under any Chapter of the Bankruptcy Code. This Court will therefore enjoin the Debtor from filing in any bankruptcy court in the United States a petition for relief under any Chapter of the Bankruptcy Code for a period of two (2) years. This remedy, although not explicitly provided for in the Bankruptcy Code, has been sanctioned by numerous bankruptcy decisions. *See, e.g., Casse v. Key Bank Nat'l Ass'n (In re Casse)*, 198 F.3d 327, 336 (2<sup>nd</sup> Cir. 1999) (holding bankruptcy case may be dismissed with prejudice for 180 days or more); *In re Dilley*, 125 B.R. 189, 197-98 (Bankr. N.D.Ohio 1991) (serial filer prohibited from filing for a period of twelve months); *Stathatos v. United States Trustee (In re Stathatos)*, 163 B.R. 83, 87-88 (N.D.Tex. 1993) (debtor enjoined from filing Chapter 13 bankruptcy case for two years); *Jolly v. Great Western Bank (In re Jolly)*, 143 B.R. 383, 385-87 (E.D.Va. 1992) (bankruptcy case may be dismissed for a period longer than 180 days).

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In addition, based upon the need to prevent irreparable damage to the bankruptcy system, the Court further holds that, pursuant to 11 U.S.C. § 102(1), judgment may be rendered in this matter without the need for notice and hearing.

It is therefore,

**ORDERED** that the Bankruptcy Case of the Debtor, Robert L. Keller, be, and is hereby, DISMISSED.

It is **FURTHER ORDERED** that pursuant to 11 U.S.C. § 105(a), the Debtor, Robert L. Keller, be, and is hereby, enjoined from filing a petition under any Chapter of the United States Bankruptcy Code in any Bankruptcy Court in the United States for a period of two (2) years commencing from the date of the entry of this Order.

It is **FURTHER ORDERED** that the Clerk, United States Bankruptcy Court, serve a notice of this Order upon the Debtor, the Trustee, the United States Trustee and to all of the Creditors and Parties in Interest.

It is **FURTHER ORDERED** that the Clerk, U.S. Bankruptcy Court, serve a notice of this Order upon all of the Bankruptcy Courts in the Sixth Circuit as well as to all of the Bankruptcy Courts in the State of Indiana and the State of Pennsylvania.

Dated:

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Richard L. Speer  
United States  
Bankruptcy Judge