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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
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U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

In re:) Case No. 03-23252
)
MELROSE LYONS,) Chapter 7
)
Debtor.) Judge Pat E. Morgenstern-Clarren
)
) **ORDER GRANTING DISMISSAL**
) **WITH SANCTIONS**

The debtor filed this case on October 6, 2003. She did so in direct violation of a court order prohibiting her from filing any bankruptcy petition for a period of 180 days from July 21, 2003. The filing once again stopped a sheriff's sale of the debtor's house set for that same date.

Secured creditor Ameriquest Mortgage Co. moves to dismiss the case with sanctions and for an order requiring the debtor to show cause why she should not be held in contempt for violating the order. (Docket 4). The court held a hearing on the motion on October 23, 2003, at which time Andrew Paisley appeared for Ameriquest and the debtor appeared on her own behalf. The debtor claimed that she thought the dismissal only prevented her from filing another case under chapter 13 and that she was permitted to file under chapter 7.

The July 21, 2003 order dismissing the debtor's last case states:

The Court finds that Debtor filed this bankruptcy in bad faith because all of Debtor's bankruptcies had been filed to stop foreclosure sales, Debtor had not filed a plan, schedules or a statement of financial affairs in the previous two bankruptcies and the plan that was filed in this case was unfeasible and debtor's budget was unrealistic.

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Therefore, the Motion of Ameriquest to Dismiss this Bankruptcy with 109(g) Sanctions is Granted. **Debtor is prohibited from filing any bankruptcy petition under any chapter in any district for a period of 180 days from the date of this Order.**

In re Melrose Lyons, Case No. 03-17201 (Docket 13) (emphasis added). The debtor admits that she received this order. The order could not be more clear: the debtor was unequivocally barred from filing for protection under the bankruptcy laws for 180 days. No reasonable person could have believed that the order permitted the debtor to file a chapter 7 case. The court concludes, therefore, that the debtor has once again acted in bad faith in attempting to thwart Ameriquest's efforts to protect its legal rights by selling the property at sheriff's sale. These facts would warrant a finding of contempt,¹ but the court finds that the better course at this time is to provide the creditor with the relief to which it is entitled; i.e. an unimpeded opportunity to proceed with its state court remedies. The court will, therefore, dismiss this case with additional time sanctions in light of the debtor's repeated abusive filings and her blatant violation of the court's order.

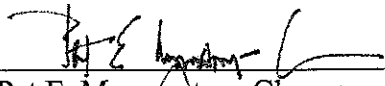
IT IS, THEREFORE, ORDERED that Ameriquest's motion is granted in part. This case is dismissed with sanctions in the form of a bar against refiling. *See* 11 U.S.C. §§ 105(a), 109(g), 349(a), and 362(f). The debtor is barred from filing a case under the United States bankruptcy code under any chapter in any district for a period of 365 days after the date on which this order

¹ *See In re Walker*, 257 B.R. 493(Bankr. N.D. Ohio 2001) and bankruptcy rules 9020 and 9014. The court advised the debtor at the hearing that if she violates the court order again, the court will hold her in contempt and impose sanctions sufficient to impress upon her the necessity of following court orders.

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is entered. To effectuate this order, the clerk's office is directed to refuse any bankruptcy filing offered in violation of this order.

Date: 23 October 2003



Pat E. Morgenstern-Clarren
United States Bankruptcy Judge

Served on: Ms. Melrose Lyons (by mail)
Richard Baumgart, Trustee (court box)
Andrew Paisley, Esq. (by mail)

By: Joyce L. Gordon, Secretary

Date: 10/23/03