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Mary Ann Whipple
United States Bankruptcy Judge

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

In Re:) Case No. 08-30046
)
Thomas J. Moynahan,) Chapter 7
)
Debtor(s)) **JUDGE MARY ANN WHIPPLE**
)
ORDER

This case is before the court on a motion seeking dismissal and a waiver of the fees due upon filing of a new case because this case was commenced in error.

This case was electronically filed on January 6, 2008. The shell was opened for Thomas J. Moynahan, but the attached petition PDF was for Debtor Shawn L. Bouyer, for whom another case has already been separately commenced. This is not a problem that can be corrected by amendment of the incorrect petition PDF, because the filing of the petition by a person is the statutory act that effects commencement of a case. 11 U.S.C. § 30(a). Rather, this problem necessitates the opening of a new case with the correct petition for Mr. Moynahan in PDF form. The within case must necessarily be dismissed, as has been requested.

The motion also seeks waiver of the \$299 in fees required to be paid upon the opening and filing of the correct new case as will be required for Mr. Moynahan to seek bankruptcy relief. The

