

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE SOUTHERN DISTRICT OF ALABAMA

IN RE:)
)
DAVID SEAMAN,) Case No. 19-10640
)
Debtor.)

AMENDED ORDER CONTINUING HEARING ON MOTION TO REOPEN

The court has reviewed the debtor's motion to reopen (doc. 76) to file the debtor's certificate of financial management course completion. The debtor requests that the court waive the \$260.00 fee to reopen. While the court has the power to waive filing and related fees under certain circumstances, pursuant to the regulations of the U.S. Judicial Conference, the court cannot waive the reopening fee except where the case is being reopened to correct an administrative error by the court or clerk.

Specifically, the Judicial Conference Fee Compendium states:

On motion by the court or a party in the case, the court may waive the reopening fee if the case is being reopened to correct an administrative error. To qualify for the exemption, either the clerk or the court itself must have made the error. The phrase 'to correct an administrative error' does not include errors by the debtor, the debtor's attorney, or the trustee.

The Fee Compendium also expressly states that there is no exemption for cases closed for failing to certify debtor education courses: "This exemption is inapplicable to cases closed or dismissed in which the court declined to enter a discharge because the debtor failed to certify it underwent the required debtor education course."

The court thus denies the request to waive the fee. The court continues the hearing on the motion to reopen to the court's telephonic docket on September 15, 2020 at 8:30 a.m. If the \$260.00 is not paid before the hearing, the court intends to deny the motion.

Dated: August 4, 2020


HENRY A. CALLAWAY
CHIEF U.S. BANKRUPTCY JUDGE