

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF FLORIDA

In Re:

Kafil Hamim Quaiyum Tunsill,

Case No. 25-40091

Debtor.

ORDER DISMISSING CHAPTER 7 CASE

This chapter 7 bankruptcy case is before the court on its “Order To Pay Filing Fee Or Case Will Be Dismissed and Order To Show Cause In Writing” (doc. 64) entered on July 9, 2025. For the reasons discussed below, the court dismisses this bankruptcy, case no. 25-40091.

The debtor in this case is *pro se*. The debtor filed for chapter 13 bankruptcy on February 25, 2025 but did not pay the bankruptcy filing fee of \$313. On February 26, 2025, the court approved the debtor’s application to pay the filing fee in installments (*see* order, doc. 9), but cautioned the debtor that “Failure to fully and timely complete these installment payments may result in dismissal of this case.” The Clerk of Court sent a letter (doc. 43) to the debtor on April 28, 2025 informing the debtor that all installment payments must be completed within 60 days and that “[f]ailure to fully and timely complete the installment payments . . . may result in your case being dismissed.” The 60-day deadline has expired, but the debtor still has not paid the \$313 owed. The debtor also filed a motion (doc. 32) to convert the case to chapter 7 on April 7, 2025 but did not pay the conversion fee of \$25 (the chapter 7 filing fee is \$338, so a chapter 13 debtor who converts the case must pay the additional \$25) and still has not paid that fee. In its July 9 order, the court stated that “[i]f the debtor fails to pay the \$338 owed (the \$313 outstanding filing fee and the \$25 outstanding conversion fee) by August 1, 2025, the court intends to dismiss this case.” No payments have been received to date, warranting dismissal.


On June 2, 2025, the debtor filed a “Notice of Fiduciary Interest Over Bankruptcy Estate” (doc. 51) and stated that the debtor is the “executor of the private irrevocable trust that governs my affairs” and, as such, is trustee of the bankruptcy estate. And on June 9, 2025, the debtor filed a “Notice and Response” (doc. 53) related to the debtor’s failure to appear at a scheduled meeting of creditors. The Notice includes a “Clarification” in which the debtor states that it is a “Tax-Exempt Foreign National” and that the debtor is “operating in a non-taxable fiduciary capacity under a private trust.” Because the debtor purports to be a trust, the court ordered “the debtor to show cause in writing by August 1, 2025 why the debtor is eligible to be a chapter 7 debtor based on the requirements of the Bankruptcy Code, including Code § 109(a).” The court warned the debtor that “[f]ailure to do so satisfactorily will result in dismissal of this case.” The debtor has not filed anything in the chapter 7 bankruptcy in response to the court’s order. Accordingly, the court will also dismiss this case because a trust is not an eligible debtor in bankruptcy under Code § 109. *See, e.g., In re Two Rivers Irrevocable Trust*, 653 B.R. 284, 292 (Bankr. M.D. Ga. 2023); *see also In re Brown*, No. 19-65022-JWC, 2020 WL 763252, at *3 (Bankr. N.D. Ga. Feb. 14, 2020); *In Palsata Trust v. Fitzgerald*, No. 121CV376RDAIDD, 2022 WL 981939, at *2 (E.D. Va. Mar. 30, 2022).

Finally, because a trust cannot appear *pro se* and must be represented in federal court by an attorney, the court stated in its order that “[i]f a licensed attorney does not file a notice of appearance for the debtor before August 1, the court orders the debtor to show cause in writing by August 1, 2025 why the court should not dismiss the case on that basis.” No licensed attorney has appeared and, again, the debtor has not filed anything in the chapter 7 bankruptcy in response to the court’s order. The court will dismiss on this basis, as well. *See, e.g., U.S. v*

Lena, No. 05-80669-CIV-ZLOCH, 2007 4578336, at *1 (S.D. Fla. Dec. 27, 2007); *In re Brown*, 2020 WL 763252, at *3.

The court therefore dismisses this chapter 7 bankruptcy case because (1) the debtor has not paid the filing fee; (2) taking the debtor at his word that he is filing as trustee of a trust, the debtor is not an eligible debtor; and (3) as a trustee, the debtor cannot appear *pro se* and no licensed attorney has appeared for the debtor. The debtor must remit all past sums due to the Clerk before filing a new bankruptcy petition in this district. The court retains jurisdiction to collect all unpaid fees, and the Clerk is directed to pursue all available avenues to ensure the fees are collected.

Dated: August 5, 2025


HENRY A. CALLAWAY
U.S. BANKRUPTCY JUDGE