



Laura T Beyer

Laura T. Beyer
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re:)
) Case No.: 24-30187
CARLOS ANDRE JACKSON,)
) Chapter 11
Debtor.)

ORDER DISMISSING CASE

This matter came before the Court on June 5, 2024, on the Motion to Dismiss filed by the U.S. Bankruptcy Administrator for the Western District of North Carolina ("Bankruptcy Administrator") on May 1, 2024 [ECF No. 54] and the responses thereto filed by Mr. Carlos Jackson, the debtor in the above-captioned case (the "Debtor" or "Mr. Jackson") on May 7, 2024 [ECF No. 60], May 14, 2024 [ECF No. 65], June 3, 2024 [ECF No. 70], and June 4, 2024 [ECF No. 72]. At the hearing held on June 5, 2024, Shelley K. Abel appeared as the Bankruptcy Administrator, Carlos Jackson appeared as the *pro se* Debtor, and Pamela P. Keenan appeared for SharonView Federal Credit Union.

Based on the matters of record, the arguments presented at the hearing, and judicial notice taken of the entire record in this case, the Court rules that the case

must be dismissed and, in support thereof, makes the following findings of fact and conclusions of law:

This Court has jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

Carlos Andre Jackson (“Mr. Jackson”) filed a voluntary petition under chapter 11 of the Bankruptcy Code [ECF No. 1] without the assistance of counsel on March 1, 2024 (the “Petition Date”).

Section 109(h) of the Bankruptcy Code states that an individual must complete a credit counseling course prior to the petition date to be eligible to file bankruptcy. 11 U.S.C. § 109(h). On March 26, 2024, Mr. Jackson filed a credit counseling certificate showing he completed the credit counseling course on March 26, 2024 [ECF No. 31] – after the required deadline for completing this course. As a result, Mr. Jackson is not eligible to be a debtor. In re Baxter, 2006 Bankr. LEXIS 4541, *7-8 (Bankr. W.D.N.C. May 16, 2007).

The deadline to file the schedules and statements in this case was March 15, 2024. Fed. R. Bankr. P. 1007(c). On April 22, 2024, Mr. Jackson filed schedules and statements [ECF No. 47]; however, the schedules and statements were woefully incomplete. For example, on Schedule J, Mr. Jackson included the following statement: “Some of these questions I don’t understand to answer properly until I get legal counsel.” Simply filing the required papers is insufficient; they must be fully and accurately completed. Therefore, Mr. Jackson has failed to comply with 11 U.S.C. § 521(a)(1)(B).

On March 5, 2024, the Court entered the Chapter 11 Operating Order [ECF No. 16] that required Mr. Jackson to timely file monthly status reports and timely

pay quarterly fees.

Mr. Jackson's 11 U.S.C. § 341 Meeting of Creditors (the "341 Meeting") was initially scheduled for April 3, 2024 [ECF No. 6] at 1:00 pm and was continued to April 24, 2024 [ECF No. 42], due to Mr. Jackson's unavailability. Mr. Jackson appeared at the continued 341 Meeting held on April 24, 2024, via Zoom, and he refused to answer any substantive questions since he did not have an attorney. He was advised of the need to file complete schedules and statements. The 341 Meeting was continued until June 5, 2024, at 1:00 p.m. By appearing at the 341 meeting, but refusing to answer questions, Mr. Jackson has failed to comply with 11 U.S.C. § 343 which requires a debtor to "appear and submit to examination under oath at the meeting of creditors."

The Operating Order required the Debtor to file a March monthly status report by April 30, 2024, and the April monthly status report by May 30, 2024; neither monthly status report has been filed.

Quarterly fees required by 28 U.S.C. § 1930(a)(6) were due in this case by April 30, 2024, for disbursements during the first quarter 2024. The Debtor filed a quarterly fee statement and an amended quarterly fee statement on June 3, 2024 [ECF Nos. 68 and 69, respectively] for the months of March, April, and May 2024 but did not provide any information regarding disbursements; he paid the \$250 minimum payment for quarterly fees on June 3, 2024 [ECF No. 71].

Based on the Court's review of the docket, it is replete with requests to extend, postpone, and continue deadlines, hearings, and the 341 meeting of creditors. The Court afforded Mr. Jackson leniency due to his indicated health challenges and has granted many of his requests for additional time; however, the schedules and statements remain

incomplete more than 90 days after the Petition Date. While Mr. Jackson expressed an intention to hire counsel to represent him in this case – and used the need to hire counsel as a basis for his requests for continuances – the Debtor has not secured counsel as of the hearing on the motion to dismiss. While the Debtor argued that all documents had been filed, he admitted that he had skipped items or listed zeros. The Debtor has failed to prosecute this case.

For the foregoing reasons and as stated on the record at the June 5, 2024, hearing, cause exists to convert or dismiss the Debtor’s case under 11 U.S.C. §§ 109(h) and 1112(b). Section 1112(b) provides “the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause” Cause includes:

- (E) failure to comply with an order of the court; or
- (F) unexcused failure to satisfy timely any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter.

11 U.S.C. § 1112(b)(4).

Based on Mr. Jackson’s announced and repeated intention to simply refile this case upon its dismissal, the Court finds it appropriate to bar the Debtor from refiling to prevent an abuse of the bankruptcy process.

THEREFORE, the Debtor’s case is hereby DISMISSED, and the Debtor is barred from filing a case under title 11 for 180 days from the entry of this Order.

*This Order has been signed electronically.
The Judge’s signature and Court’s seal
appear at the top of the Order.*

United States Bankruptcy Court