



A handwritten signature in black ink, reading "Ashley Austin Edwards".

Ashley Austin Edwards
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION**

In re:)	
)	
RUSSELL WADE GILBERT,)	Chapter 13
)	Case No. 25-40195
Debtor.)	
_____)	

ORDER TO APPEAR AND SHOW CAUSE

THIS MATTER is before the Court on review of the Debtor's voluntary bankruptcy petition, filed on August 29, 2025, under Chapter 13 of the Bankruptcy Code. This is the Debtor's third Chapter 13 case in fourteen months and three weeks.

The Debtor filed Case No. 24-40130, on June 24, 2024. That case was dismissed on October 2, 2024, due to the Debtor's plan failing to cover a priority debt, the Debtor's failure to pay first monies, and the Debtor's failure to file required tax returns for the prior four years. On November 21, 2024, approximately seven weeks later, the Debtor filed Case No. 24-40248. That case was dismissed on July 15, 2025, for default in plan payments. On August 29, 2025, six weeks after the second dismissal, the Debtor filed the present case.

Given the dismissal of two prior cases within the preceding year, the Court finds cause to question whether this case was filed in good faith and whether it constitutes an abuse of the bankruptcy process.

Accordingly, the Court will conduct a hearing on **October 24 2025, at 9:30 a.m.** at the **Cleveland County Courthouse, 100 Justice Place, Shelby North Carolina 28150**, to determine whether the Debtor's latest bankruptcy filing serves a legitimate purpose under the Bankruptcy Code.

The Debtor is hereby **ORDERED** to **APPEAR** at the hearing and **SHOW CAUSE** why this case should not be dismissed. Additionally, pursuant to 11 U.S.C. § 362(c)(4)(A)(i), because the Debtor has had two or more cases dismissed within the preceding year, the automatic stay is not in effect in this case. The Court will determine at the show cause hearing whether any stay should be imposed under 11 U.S.C. § 362(c)(4)(B).

IT IS SO ORDERED.

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

United States Bankruptcy Court