

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**IN RE: CHRISTOPHER SIMMONS And
LESLEY SIMMONS, Debtors**

**3:06-bk-10309 E
CHAPTER 7**

**ORDER REOPENING CASE
AND DENYING MOTION TO CONTINUE STAY**

Now before the Court is a *Motion to Reopen Case* filed by the Debtors on August 28, 2006, in the above Chapter 7 proceeding. The above case was closed without a discharge on May 30, 2006, for failure to file Official Form 23, *Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management*, within 45 days of the first date set for the Meeting of Creditors. Debtors filed Official Form 23 on August 28, 2006. Debtors seek to reopen this case to receive their discharge. The Court finds that the Debtor's case may be reopened for the purpose of entering Debtors' discharge.

Debtors also request that "the automatic stay remain in effect until this matter is heard and ruled upon." The automatic stay provided by 11 U.S.C. § 362(a) expires upon the closing of a case pursuant to § 362(c)(2)(A). Accordingly, the stay has expired, and reopening the case will not automatically cause the automatic stay to become effective again. *In re Menk*, 241 B.R. 896, 914 (B.A.P. 9th Cir. 1999) ("Likewise, to the extent that the automatic stay expired in conjunction with closing, it does not automatically spring back into effect. If protection is warranted after a case is reopened, then an injunction would need to be imposed."). Debtor's motion is not sufficient to impose an injunction. *See* Federal Rule of Bankruptcy Procedure 7065; *In re Gledhill*, 76 F.3d 1070, 1079 (10th Cir. 1996) ("Courts

have uniformly held that a request to reimpose the automatic stay under 11 U.S.C. § 105(a) constitutes “a proceeding to obtain an injunction or other equitable relief” under Rule 7001(7), which requires the filing of an adversary proceeding.”). Accordingly, Debtor’s motion to impose a stay must be denied.

For the reasons set forth herein, it is hereby

ORDERED that the Motion to Reopen is **GRANTED**; it is further

ORDERED that the Debtor’s motion to continue an automatic stay is **DENIED**.

IT IS SO ORDERED.



HONORABLE AUDREY R. EVANS
UNITED STATES BANKRUPTCY JUDGE

DATE: September 22, 2006

cc: Attorney for debtor(s)
Debtor(s)
Trustee
U.S. Trustee
All parties per matrix