The document below is hereby signed.

Signed: March 09, 2010.



S. Martin Teel, Jr. United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF COLUMBIA

In re)
SHERLEY T. JOYNER,) Case No. 07-00510
) (Chapter 13)
Debtor.	Not for Publication in
) West's Bankruptcy Reporter

MEMORANDUM DECISION AND ORDER STRIKING PRAECIPE

The debtor failed to attend the hearing on the trustee's motion to dismiss and thus presented no evidence of an ability to cure the plan arrears within a reasonable time. Although she filed a praecipe on the day of the hearing stating that she would like to set up a payment plan, and asking that her case not be dismissed, that praecipe was not a motion in proper form, and can be viewed as only supplementing her earlier opposition to the motion.

Even if the motion had asked that the court's oral decision at the hearing be set aside, which it did not, the praecipe failed to set forth an adequate basis for setting aside the court's decision. The praecipe did not allege that the debtor has made a payment towards curing the plan arrears, did not

allege how the debtor would be able to pay the arrears and over what period of time, and did not attempt to explain the debtor's failure to attend the hearing. If the debtor wishes to file a motion under Fed. R. Bankr. P. 9023 to set aside the order of dismissal within 14 days after entry of the order of dismissal, serving the same on the trustee and stating adequate grounds for vacating the order, she is free to do so. It is

ORDERED that the debtor's praecipe filed on February 19, 2010, is stricken. An order dismissing the case follows.

Dated: March 9, 2010.

[Signed and dated above.]

Copies to: Debtor (via BNC and also via mailing by clerk); Chapter 13 Trustee.