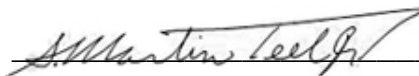


The Memorandum Decision and Order below is hereby signed. Dated: July 7, 2008.



  
S. Martin Teel, Jr.  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re )  
 )  
DAVID J. BROWN, ) Case No. 08-00218  
 ) (Chapter 7)  
Debtor. )

MEMORANDUM DECISION AND ORDER  
DEFERRING DISCHARGE UNTIL FILING FEE IS PAID  
AND WARNING PARTIES THAT THE CASE MAY BE DISMISSED IF THE  
FILING FEE IS NOT PAID WITHIN 180 DAYS OF THE PETITION DATE

The filing fee has not been paid. The United States Trustee opposed dismissal because there may be assets for the trustee to administer (Docket Entry ("DE") No. 21). But the trustee has not paid the filing fee and has not filed anything indicating that he has or is about to obtain estate funds with which the filing fee could be paid. In that circumstance, the case may still end up being dismissed, and it is appropriate to defer granting the debtor a discharge unless and until the filing fee is paid.

Under Rule 1006(b)(2) of the Federal Rules of Bankruptcy Procedure, the court can grant a delay in paying the filing fee but the maximum extension is 180 days from the petition date, and no one has filed anything to demonstrate that if no one pays the

filing fee before the end of that 180-day period, the case is not subject to dismissal. One possible interpretation of Rule 1006 is this: if the trustee believes there are assets to administer, the court nevertheless cannot permit the case to remain pending if the fee is not paid within 180 days from the petition date. (There may be a possible interpretation the other way as well.) Of course, a trustee may dip into his own pocket to pay the fee (subject to reimbursement from the estate or from the debtor who incurred the fee in the first place) to assure that the filing fee is paid within the 180-day period, to eliminate the issue and thereby preserve the opportunity to administer such assets and garner a commission. In this case filed on April 1, 2008, the maximum extension is until September 28, 2008. It is

ORDERED that the clerk shall defer granting the debtor a discharge until the filing fee is paid in full. It is further

ORDERED that if the filing fee is not paid by September 28, 2008, parties in interest are warned that an order to show cause may issue requiring them to show why the case ought not be dismissed based on the lack of payment of the filing fee within the maximum allowable amount of time for paying the filing fee under Rule 1006 of the Federal Rules of Bankruptcy Procedure.

[Signed and dated above.]

Copies to: Debtor; U.S. Trustee; Chapter 7 Trustee

