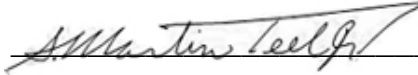


The document below is hereby signed.

Signed: June 05, 2010.




S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
RICARDO ANDRES BOPP and)	Case No. 10-00527
DANIELA IVONNE BOPP,)	(Chapter 11)
)	Not for Publication in
Debtors.)	West's Bankruptcy Reporter

MEMORANDUM DECISION RE MOTION TO VACATE DISMISSAL ORDER

The court dismissed the debtors' prior case under chapter 13 of the Bankruptcy Code with prejudice for 180 days. Before that 180 days elapsed, the debtors filed a petition commencing this case under chapter 11 of the Bankruptcy Code. The court *sua sponte* dismissed this case. The debtors have now filed a motion to vacate the dismissal order because of a pending motion, in the previous chapter 13 case, seeking to make the dismissal of that case a dismissal without prejudice.

The motion to vacate the dismissal order in this chapter 11 case was not served on affected creditors with notice of an opportunity to oppose the motion. That alone would warrant

denial of the motion.¹

More importantly, the motion is without merit. This case was commenced in the face of an order that barred the commencement of the case. Unless and until the order in the prior bankruptcy case is amended to make the dismissal of that case a dismissal without prejudice, the debtors are barred from filing a bankruptcy case during the 180-day period after entry of the order dismissing that prior case. A debtor is not free to disregard a court's command that the debtor is barred from filing a new case. There having been no basis upon which this case could properly be filed, the debtors' motion to vacate the dismissal order will be denied.

An order follows.

[Signed and dated above.]

Copies to: Debtor; Debtor's attorney; Office of United States Trustee.

¹ The debtors additionally have failed to file a Form B21, Statement of Social Security Number, even after notice was sent to them that failure to file the statement would result in a dismissal of the case.