

The order below is hereby signed.

Signed: November 21 2012



A handwritten signature in cursive script, reading "S. Martin Teel, Jr.", written over a horizontal line.

S. Martin Teel, Jr.  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re	)	
	)	
FREDERICK C. MILLER,	)	Case No. 12-00466
	)	(Chapter 7)
Debtor.	)	Not for publication in
	)	West's Bankruptcy Reporter

MEMORANDUM DECISION AND ORDER RE  
DEBTOR'S APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE

The debtor incurred a fee for filing a chapter 13 case and after converting the case to chapter 7 seeks a waiver of the filing fee. Section 1930(f)(1) permits a waiver of "the filing fee in a case under chapter 7," meaning the fee or fees "payable to the clerk upon the commencement of a case under chapter 7" but does not permit a waiver of the fee incurred upon commencing a case under chapter 13, or the fee incurred upon converting the case to chapter 7. The conversion to chapter 7 does not result in the case being treated as filed under chapter 7 in the first instance. See 11 U.S.C. sections 348(a) (conversion does not change the date of filing of the chapter 13 petition) and 726(b) (administrative claim incurred in chapter 13 is junior to an administrative claim incurred post-conversion in the case under

chapter 7). It is thus

ORDERED that the application for waiver of the chapter 7 filing fee (Dkt. No. 79) is DENIED, and the debtor shall pay the balance of the filing fee (\$220) on the following schedule:

\$74 by December 3, 2012;

\$73 by December 13, 2012;

\$73 by December 26, 2012.

The debtor should note that the court has no discretion to extend the deadline to pay the filing fee beyond December 26, 2012, as this is the 180th day after filing the petition.

[Signed and dated above.]

Copies to: Debtor.