

The order below is hereby signed.

Signed: February 28 2019



S. Martin Teel, Jr.

S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

| | | |
|-------------------------|---|-----------------------------|
| In re |) | |
| |) | |
| VINCENT LARRY PHILLIPS, |) | Case No. 19-00002 |
| |) | (Chapter 13) |
| Debtor. |) | Not for publication in |
| |) | West's Bankruptcy Reporter. |

MEMORANDUM DECISION AND ORDER DENYING
DEBTOR'S MOTION TO EXTEND THE AUTOMATIC STAY

The debtor filed a *Motion to Extend Automatic Stay* (Dkt. No. 46) on February 21, 2019, wherein the debtor sought to extend the automatic stay pursuant to 11 U.S.C. § 362(c)(3). Under § 362(c)(3) the automatic stay will terminate 30 days after a case is filed where the debtor had a pending case dismissed within one year prior to filing the later case. The court may extend the automatic stay, but to do so, § 362(c)(3)(B) requires that notice and a hearing be "completed before the expiration of the 30-day period."

The debtor had one pending case that was dismissed within a year of filing this bankruptcy case, Case No. 18-00618, which was dismissed on November 16, 2018. The petition commencing this case was filed on January 3, 2019, and the 30-day period expired,

at the latest, on February 4, 2019 (assuming that Fed. R. Bankr. P. 9006(a)(1)(C) applied without deciding that issue). The *Motion* was filed on February 21, 2019, after the 30-day period had expired. The court no longer has authority to extend the automatic stay under § 362(c)(3). It is thus

ORDERED that the debtor's *Motion to Extend Automatic Stay* (Dkt. No. 46) under § 362(c)(3) is DENIED. It is further

ORDERED that the Clerk shall give notice to creditors as follows: "Notice is given that the automatic stay of 11 U.S.C. § 362(a) has expired in this case pursuant to 11 U.S.C. § 362(c)(3), but that does not bar the binding effect a confirmed plan would have if a plan were to be confirmed."

[Signed and dated above.]

Copies to: Debtor; recipients of e-notifications of orders.