The document below is hereby signed.

Signed: February 15, 2020



S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF COLUMBIA

In re)	
)	
BRIDGETTE KILKENNY, Debtor.)	Case No. 20-00053
)	(Chapter 13)
)	Not for publication in
)	West's Bankruptcy Reporter.

MEMORANDUM DECISON AND ORDER DISMISSING MOTION FOR CONTINUATION OF AUTOMATIC STAY

On January 31, 2020, the debtor filed the petition commencing this case and filed a Motion for Continuation of Automatic Stay (Dkt. No. 5) but failed to upload a proposed order including a "Copies to" section as required by LBR 9072-1(b)(3), or file a notice of a 17-day opportunity to oppose the motion, as required by LBR 9013-1. The Clerk issued notices informing the debtor of these deficiencies, but the debtor has not responded. The debtor has also failed to file a notice of a hearing. It would be difficult to put the Motion back on track procedurally: a motion like this, under 11 U.S.C. § 362(c)(3)(B), must be heard within 30 days after the commencement of the case.

In any event, I will dismiss the Motion for Continuation of Automatic Stay as unnecessary. The debtor's only prior case was

dismissed on January 9, 2019, more than one year before the commencement of this case. The automatic stay in this case is not subject to 11 U.S.C. § 362(c)(3) which only applies when a case of the debtor "was pending within the preceding 1-year period but was dismissed." The case was closed less than a year before January 31, 2020, but after the case was dismissed, it was no longer "pending" within the meaning of § 362(c)(3). See In re Williams, 363 B.R. 786, 788 (Bankr. E.D. Va. 2006) ("Courts have routinely equated pending with not dismissed."); In re Moore, 337 B.R. 79, 81 (Bankr. E.D.N.C. 2005) (same). It is

ORDERED that the *Motion for Continuation of Automatic Stay* (Dkt. No. 5) is dismissed as unnecessary.

[Signed and dated above.]

Copies to: Debtor; recipients of e-notification of filings.