

IT IS FURTHER ORDERED that Debtor is hereby barred from filing any future petition under the Bankruptcy Act unless he is first granted leave of court, after proper motion, notice and hearing.

Reading, PA

THOMAS M. TWARDOWSKI
United States Bankruptcy Judge

petition, docketed to Case No. 05-25279T. On September 28, 2005, Movant filed a motion to dismiss Mrs. Denbowski's case with prejudice. Mrs. Denbowski failed to file a response to this motion and failed to appear at the hearing held on this motion on October 27, 2005. Consequently, an Order was entered on October 27, 2005 dismissing Mrs. Denbowski's chapter 13 case with prejudice and barring her from filing another petition under the Bankruptcy Act without leave of court.

Thereafter, on November 1, 2005, Debtor filed this chapter 13 petition. On November 3, 2005 Movant filed the motion to dismiss this case with prejudice which is presently before us, along with a motion for expedited hearing. We granted Movant's motion for expedited hearing and a hearing was thereafter held on Movant's motion to dismiss with prejudice on November 10, 2005. Both Movant and Debtor appeared at this hearing and a briefing order was entered. As both parties have filed their briefs, Movant's motion to dismiss this case with prejudice is now ready for disposition.

As can be seen from a review of the facts set forth above, it is obvious that Debtor filed this case in violation of section 109(g)(2) since Debtor's first case (docketed to Case No. 05-23056T) was voluntarily dismissed on September 15, 2005, after the filing of a section 362(d) motion by Movant, and Debtor thereafter filed the present chapter 13 petition within 180 days of the date that Debtor's prior case was voluntarily dismissed. As the prohibition against subsequent filings set forth in section 109(g)(2) is mandatory, see Munkwitz, 235 B.R. at 768, we must grant Movant's motion to dismiss this case with prejudice.