UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN RE: *
                                          *
MARVIN GLEN SAULT,   *
                                          *   CASE NUMBER 01-40432
                                          *
        Debtor.   *
                                          *

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O R D E R
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        This cause is before the Court on the motion of the
Standing Chapter 13 Trustee to dismiss this Chapter 13 case for the
Debtor's failure to prosecute this Chapter 13 case and to otherwise
comply with the requirements of applicable law. Michael A. Gallo,
Esq. appeared on behalf of the Standing Chapter 13 Trustee. No
appearance was made on behalf of the Debtor. The Court does note
that Mr. Sault, appearing *pro se*, filed with the Clerk on June 20,
2001 at 11:59 a.m. a document entitled "Affidavit Motion to Strike."
The so-called affidavit is an unsworn document and thus does not
comply with the requirements of applicable law to be an affidavit.
Nevertheless, under provisions of applicable law, the document,
having been filed with the Clerk in a pending bankruptcy proceeding
by a debtor, is deemed to have been filed under penalties of perjury
and will be accepted for whatever purpose it may serve in these
proceedings.

        The Debtor, appearing *pro se*, filed a petition for relief
under Chapter 13 of Title 11, United States Code, on February 12,
2001. The Debtor has failed to appear at the scheduled meeting of

creditors and has failed to fund his Chapter 13 case. On this basis alone, dismissal of the Chapter 13 petition is dictated by provisions of applicable law. Because the Debtor has failed to comply with applicable law, this Chapter 13 case is hereby dismissed.

The Standing Chapter 13 Trustee has also asked the Court to enjoin the Debtor from filing further petitions for a period of 180 days following the order of dismissal of this action. In defining who may be a debtor, Congress has enacted 11 U.S.C. § 109(g), which provides that an individual may not file a bankruptcy petition any time in a period of 180 days after a case is dismissed if it is dismissed for the failure of the debtor to appear before the court in proper prosecution of the case. Thus, under § 109(g) of Title 11, the Debtor may not file another petition in bankruptcy in this Court for a period of 180 days following the date this order is entered.

This is the fourth petition the Debtor has filed with this Court since February 9, 1999. In each of the three preceding cases, the Debtor's petition was dismissed for the failure of the Debtor to prosecute his Chapter 13 case. In reviewing each of those cases, it appears that those cases were similarly dismissed for the failure of the Debtor to comply with provisions of applicable law. The actions of Mr. Sault in filing the four successive bankruptcy petitions and then having them dismissed for want of prosecution constitutes a willful abuse of the bankruptcy process. Because Mr. Sault has willfully abused the process, he is hereby enjoined from filing a petition under any chapter of Title 11, United States Code, in any court of the United States for a period of 180 days

from the date of entry of this order. If Mr. Sault violates the terms of this order, he will do so under penalties of contempt. A copy of this order shall be entered upon the Court's web page so that it is available for public inspection. Furthermore, the Clerk shall see that a copy of this order is served upon Ameriquest Mortgage Company at the address shown on the proof of claim filed with this Court on May 29, 2001.

IT IS SO ORDERED.

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WILLIAM T. BODOH
UNITED STATES BANKRUPTCY JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order was placed in the United States Mail this _____ day of June, 2001, addressed to:

MARVIN GLEN SAULT, 1885 La Croft Avenue, East Liverpool, OH 43920.

MICHAEL A. GALLO, ESQ., 20 Federal Plaza West, Suite 600, Youngstown, OH 44503.

AMERIQUEST MORTGAGE COMPANY, 505 South Main Street, Suite 6000, Orange, CA 92868.

DONALD M. ROBINER, United States Trustee, BP America Building, 200 Public Square, 20th Floor, Suite 3300, Cleveland, OH 44114.

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JOANNA M. ARMSTRONG