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IT IS SO ORDERED.

Dated: March 5, 2026



Tyson A. Crist
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re: :
 :
 Caitlin Lee Straub, : Case No. 25-31877
 : Chapter 7
 : Judge Crist
 Debtor. :

ORDER: (I) VACATING ORDER DISMISSING CASE (DOC. 23) PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 60(b); (II) GRANTING AMENDED APPLICATION TO HAVE THE CHAPTER 7 FILING FEE WAIVED (DOC. 35); AND (III) FOR ISSUANCE OF THE DEBTOR’S DISCHARGE

For the sake of efficiency, this Order deals with two main distinct, but closely related matters, as well as Debtor’s entitlement to a chapter 7 discharge, as set forth and separated by the headings below.

I. Debtor’s Letter (Doc. 29) Construed as a Motion to Vacate Order of Dismissal (Doc. 31)

First, this matter is before the Court on Caitlin Lee Straub’s (the “Debtor”) motion titled “Letter to the US Bankruptcy Court, Southern District of Ohio, Western Division” (Doc. 29), construed by the Court pursuant to the January 26, 2026 order described below as a motion to vacate (the “Motion to Vacate”) the Court’s prior *Order of Dismissal Without the Entry of Discharge* (Doc. 23) (the “Order of Dismissal”), entered on November 17, 2025, pursuant to Rule

60(b) of the Federal Rules of Civil Procedure, made applicable in this chapter 7 case by Rule 9024 of the Federal Rules of Bankruptcy Procedure. The Order of Dismissal was based upon the Debtor's supposed failure to comply with the Court's prior *Order Regarding Deficient Filing by Debtor(s) and Setting Seven (7) Day Deadline for Compliance; and Notice of Imminent Dismissal [of] Case* (Doc. 7), entered on September 18, 2025, which stated that the "[m]ailing list of creditors and other parties in interest was not filed[.]" Notably, however, the Debtor, who filed this chapter 7 case *pro se*, had submitted the list of creditors and filed a *Verification of Creditor List* (Doc. 28) on December 5, 2025.

As referenced above, on January 26, 2026, the Court entered an *Order: (I) Construing Debtors Letter* (Doc. 29) as a *Motion to Vacate Order Dismissing Case* (Doc. 23) Pursuant to *Federal Rule of Civil Procedure 60(b)*; (II) *Providing 21-day Notice of the Deadline to Respond to Debtor's Pro Se Motion*; and (III) *Providing Notice That Debtor's Unsigned Documents May Be Stricken if Not Properly Signed and Re-filed in 21 Day* (Doc. 31) (the "Order"), which set a deadline of twenty-one (21) days after entry of the Court's Order, or February 17, 2026,¹ for any party to respond to the Debtor's Motion to Vacate and the same 21-day deadline for the Debtor to file Schedules A/B – J accompanied by a Declaration About an Individual Debtor's Schedules containing the Debtor's wet-ink signature; a Chapter 7 Statement of Your Current Monthly Income; a Statement of Intention for Individuals Filing Under Chapter 7; a Statement of Exemption from Presumption of Abuse Under 707(b)(2); and an Application to Have the Chapter 7 Filing Fee Waived, also containing the Debtor's wet-ink signature.

The Debtor filed all her forms on February 9, 2026, properly signed as instructed by the Court's Order. (See Docs. 33, 34, and 35.) And no objection was filed to the Debtor's Motion to Vacate, within the time set by the Order.

Although this case was dismissed for the failure to file information required under 11 U.S.C. § 521(a)(1) (Doc. 23), the Court is granting the Debtor's Motion to Vacate for two reasons. First and foremost, the dismissal in this case was the result of an administrative error by the Clerk of Court's office in not recognizing that the Debtor had, in fact, submitted the list of creditors.

¹ Because Monday, February 16, 2026, was a "Legal Holiday" (Presidents' Day a/k/a Washington's Birthday), the deadline was Tuesday, February 17, 2026, pursuant to the method of computing time set forth in Bankruptcy Rule 9006(a)(1). See Fed. R. Bankr. P. 9006(a)(1)(C) and (a)(6). Also, because the 21-day period ran from entry of the Order, and not from service, Bankruptcy Rule 9006(f) did not apply.

Upon review of the Motion to Vacate, the Court discovered that it had the required information all along. In other words, this case was never subject to or appropriate for automatic dismissal pursuant to 11 U.S.C. § 521(i). Second, this chapter 7 case was not automatically dismissed, in which case the Clerk of Court simply sends a notice of the dismissal; rather, the Court had entered an order of dismissal, such that there is an order to vacate. Accordingly, this case is distinguishable from this Court's prior decision denying a motion to vacate an automatic dismissal pursuant to 11 U.S.C. § 521(i) in *In re Vaughan*, No. 25-31806, 2026 WL 21050, 2026 Bankr. LEXIS 7 (Bankr. S.D. Ohio Jan. 2, 2026) (determining that the Court did not have discretion to vacate the automatic dismissal of a case that occurred on the 46th day pursuant to 11 U.S.C. § 521(i), in a case in which there was no dispute that debtor's counsel failed to file a necessary document after ample notice).

Accordingly, the Court hereby **VACATES** the *Order Dismissing Debtor for Failure to File Documents* (Doc. 23), this chapter 7 case is hereby **REINSTATED**, and the Clerk of Court shall administer this case to discharge and closing.

II. Application to Have the Chapter 7 Filing Fee Waived

Second, this matter is before the Court on the Debtor's *Application to Have the Chapter 7 Filing Fee Waived* (Doc. 35) (the "Amended Application"), filed on February 9, 2026. The Court notes that her Amended Application was not just a signed copy of her original Application (Doc. 5)² filed on September 17, 2025; rather, she updated her income, expenses and property information in items 2, 4, 5, 9, 11, 14, and 15.

A waiver of the filing fee in a chapter 7 case is governed by 28 U.S.C. § 1930(f)(1) and procedures prescribed by the Judicial Conference of the United States. Whether to grant an application for waiver of filing fee in a chapter 7 case involves a two-step analysis, as this Court has previously noted. *See In re Johnson*, No. 25-30806 at 3, n.1 (Bankr. S.D. Ohio Aug. 14, 2025), (citing *In re Barrick*, 402 B.R. 39, 41 (Bankr. M.D. Fla. 2008)). The first step is to determine whether the Debtor's "income is below 150% of the poverty line for the debtor's family size," which is referred to as the "quantitative" step, and the second step is to determine whether the Debtor is "unable to pay the filing fee in installments[.]" which is referred to as the "qualitative"

² On September 18, 2025, the Clerk of Court issued a *Notification of Deficiency* (Doc. 8), directing the Debtor to file, amongst other things, an amended Application to Have the Chapter 7 Filing Fee Waived with the debtor's signature.

step. *In re Barrick*, 402 B.R. at 41 (citing *In re Ortiz*, No. 6:06-bk-00562-KSJ, 2006 Bankr. LEXIS 1226, 2006 WL 1594152, at *1 (Bankr. M.D. Fla. May 11, 2006)). The second step “requires an analysis of the totality of the debtor’s circumstances.” *In re Burr*, 344 B.R. 234, 236 (Bankr. W.D.N.Y. 2006).

Analyzing the quantitative step first, from the Court’s review, the Debtor’s average monthly net income figure on her original Application (Doc. 5), item 2, which was \$2,372, did not include non-cash governmental assistance (health insurance and food stamps) that the Debtor receives, in the amount of \$300. Further, her family’s average monthly net income, net of governmental assistance, increased by \$612 to \$2,984; however, that appears to be her gross monthly income after reviewing both the unsigned and signed versions of her Statement of Currently Monthly Income and Schedule I, as discussed below.

Looking at her original Chapter 7 Statement of Your Current Monthly Income (Doc. 1-1 at 58-59), Debtor listed total current monthly income of \$2,730 (gross wages of \$2,320, plus child support of \$410). And in her original (improperly signed) Schedule I (Doc. 1-1 at 40-41) she listed monthly income, net of all deductions, of \$2,370. Turning to her signed Chapter 7 Statement of Your Current Monthly Income (Doc. 33 at 37-39), Debtor lists total current monthly income of \$2,984 (the same as her gross wages). And in her properly signed Schedule I (Doc. 33) filed on February 9, 2026, Debtor lists combined monthly income, net of deductions, of \$2,346, which is \$26 less than what she listed on her original Schedule I, \$2,372. On both Schedule I’s she listed about the same gross wages, \$2,904 and \$2,900, respectively, but she listed fewer deductions on her recently signed Schedule I (Doc. 33 at 32) than before (decreasing from \$944 to \$554) and appears to no longer receive \$412 per month in child support, which she previously indicated would end on January 6, 2026. *See* Sched. I (Doc. 1-1 at 41), item 13. All-in-all, it appears that while she might not have done the math correctly each time, she has consistently listed gross wages of around \$2,900 and net monthly income of about \$2,370. This is only about fifty percent (50%) of 150% of the Health and Human Services Poverty Guideline amount for her family size of five (5) for 2025, which is \$4,706.25.³

³ The Debtor’s average monthly net income in her Amended Application (\$2,984) is \$1,722.25 less than 150% of the poverty guideline for a family of five (5), which was in effect in 2025 (\$4,706.25). *See* Dept. of Health and Human Services’ chart of 2025 Poverty Guidelines: 48 Contiguous States (all states except Alaska and Hawaii):

Turning to the second, qualitative step of the analysis, which entails a review of the Debtor's expenses and therefore her ability to pay the filing fee in installments, viewing the Debtor's original and Amended Applications (Docs. 5 and 35) and her unsigned and signed Schedule J (Doc. 1-1 at 42-44 and Doc. 33 at 33-35), collectively, shows that she does not have the ability. *See In re Hayes*, 581 B.R. 509, 515 (Bankr. W.D. Mich. 2018) (stating that "[w]hen considering whether an individual debtor is able to pay her filing fee in installments, 'a court must naturally look first to the debtor's expenses to determine whether the debtor has the ability to pay the fee out of [her] income.'" (quoting *In re Nuttall*, 334 B.R. 921, 924 (Bankr. W.D. Mo. 2005))). Further, although being represented by an attorney is not, by itself, a disqualifying factor, Debtor did file this case *pro se*, which is consistent with the analysis that she does not have the ability to pay. *See, e.g., In re Donahue*, 410 B.R. 751, 756 (Bankr. N.D. Ga. 2009).

While the Debtor may not have done all the calculations correctly, that appears to have been an honest mistake, and the Court has enough information before it to reach the conclusion that she does not currently have the ability to pay. *See id.* at 753 (comparing the Debtor's Schedule I to his Application, observing "that Debtor reported his gross income on his Application, rather than his adjusted income" and concluding that Debtor was unable to pay the filing fee even though his income and expenses suggested he had monthly net income of \$24 which was "insufficient for the required installment payments."). Her original Application (Doc. 5) listed average monthly expenses of \$3,325. Her Amended Application (Doc. 35), however, listed average monthly expenses of \$2,289. Turning to her Schedules J, her original unsigned version (Doc. 1-1 at 42-44) identified total monthly expenses of \$3,325, whereas her recently signed version of Schedule J (Doc. 33 at 33-35) listed monthly expenses of \$1,700; however, it appears that she did not include her monthly rent of \$1,625⁴ in this calculation because when items 4 through 21 on Schedule J are added up, the monthly expenses actually total \$3,325. *See* Schedule J (Doc. 33 at 33-34). And this is the amount of average monthly expenses she listed in her original Application (Doc. 5 at 2, item 6). As a result, it appears that on a monthly basis, after backing out her non-cash government

<https://aspe.hhs.gov/sites/default/files/documents/dd73d4f00d8a819d10b2fdb70d254f7b/detailed-guidelines-2025.pdf>.

⁴ In her Amended Application (Doc. 35), Debtor indicates that her monthly rent is \$1,650 and that she currently does not "even make enough money to pay my rent, and utilities . . ." Am. App. at 1, item 5.

assistance, Debtor may be short of being able to meet her expenses by up to (\$955) (\$2,370 – \$3,325).⁵

For the foregoing reasons, and with the Court noting that the Chapter 7 Trustee did not object to the Debtor’s original Application and has not objected to the Amended Application, which has now been pending for three (3) weeks, Debtor’s *Application to Have the Chapter 7 Filing Fee Waived* (Doc. 35) is hereby **GRANTED**, and the chapter 7 filing fee is hereby **WAIVED**. The Court is guided by Bankruptcy Case Policies § 820.30(c)(1)(A) in making this determination. *See also* “2025 Poverty Guidelines”, which were in effect when this case was filed: <https://aspe.hhs.gov/sites/default/files/documents/dd73d4f00d8a819d10b2fdb70d254f7b/detailed-guidelines-2025.pdf>

III. Issuance of Discharge

The Court notes that it appears the Debtor has now complied with all applicable filing requirements of the Bankruptcy Code, Bankruptcy Rules, and Local Bankruptcy Rules (Docs. 1, 15, 16, 33, 34, and 35), she attended the § 341(a) Meeting of Creditors on November 14, 2025, and completed the financial management course. (Doc. 30.) Further, the Chapter 7 Trustee filed his Report of No Distribution on November 14, 2025, and no objections to discharge were timely filed, for which the deadline was January 13, 2026.

Accordingly, the Clerk of Court may proceed to issue the Debtor’s discharge as soon as practicable in accordance with its procedures.

IT IS SO ORDERED.

Copies to:

All Creditors and Parties in Interest Plus,

Edward H. Cahill, Office of the US Trustee, 170 North High Street, Suite 200, Columbus, OH 43215-2417 (Assistant United States Trustee)

Nathan A. Wheatley, Office of the US Trustee, 170 North High Street, Suite 200, Columbus, OH 43215-2417 (Counsel for the United States Trustee)

⁵ The Court independently ran the calculations which confirmed the monthly expenses of \$3,325, as would be shown on Schedule J, but based on her current job paying \$18.65 per hour, as stated in item 5 of her Amended Application, working 52 weeks of 40 hours would result in maximum gross wages of \$3,232.67. Even before taking out payroll deductions, this does not create positive net monthly income in comparison to her monthly expenses.