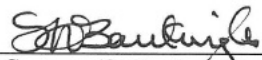




**SO ORDERED.**  
**SIGNED this 17th day of May, 2016**

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.**  
**PLEASE SEE DOCKET FOR ENTRY DATE.**

  
Suzanne H. Bauknicht  
UNITED STATES BANKRUPTCY JUDGE

---

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE**

In re

Case No. 3:15-bk-32144-SHB

ADRIAN D. CHRISTIAN  
aka ROB CHRISTIAN

Debtor

KATHY CHRISTIAN

Plaintiff

v.

Adv. Proc. No. 3:15-ap-3044-SHB

ADRIAN D. CHRISTIAN

Defendant

**ORDER**

On April 26, 2016, Plaintiff filed a Motion to Amend Complaint Objecting to Discharge (Motion to Amend), asking the Court to grant her permission to amend the Complaint Objecting to Dischargeability of Debt (Complaint) filed on October 5, 2015, to add objections to Defendant's discharge under 11 U.S.C. § 727(a)(2), (3), (4), and/or (6). As provided by E.D.

Tenn. LBR 7007-1, Defendant was provided a 21-day response time, and on May 13, 2016, timely filed his response in opposition to the motion, arguing that he has sought a discharge only under 11 U.S.C. § 1328(a), not § 727(a), that any discharge theories are time-barred, and that Plaintiff's proposed amended complaint does not state any factual basis for relief as to the theories to be added. The Court agrees with Defendant.

Plaintiff correctly states that leave to amend is freely given "when justice so requires." Fed. R. Civ. P. 15(a)(2) (applicable in adversary proceedings through Fed. R. Bankr. P. 7015). Nevertheless, if allowing an amendment would be futile, the court has the discretion to deny a request to amend. *Forman v. Davis*, 371 U.S. 178, 182 (1962); *see also Spradlin v. Beads & Steeds Inns, LLC (In re Howland)*, 518 B.R. 408, 411 (Bankr. E.D. Ky. 2014) ("Justice does not require a court to grant leave to amend a pleading if doing so is prejudicial or would be futile."). The proposed amended complaint attached to Plaintiff's Motion to Amend asserts claims objecting to discharge under § 727; however, "Congress provided no provision in section 1328 for a general denial of a chapter 13 debtor's discharge, nor is the Bankruptcy Code's provision for general discharges, Section 727, applicable in chapter 13 cases." *Shovlin v. Klaas (In re Klaas)*, 548 B.R. 414 (Bankr. W.D. Pa. Mar. 1, 2016); *see also Mapley v. Mapley (In re Mapley)*, 437 B.R. 225, 228 n.8 (Bankr. E.D. Mich. 2010) ("[T]he objection-to-discharge provisions of § 727(a) . . . apply only in a Chapter 7 case.").

Because it would be futile to grant leave to Plaintiff to amend her Complaint to add allegations under Bankruptcy Code sections that are not applicable in Defendant's Chapter 13 bankruptcy case, the Motion to Amend is DENIED.

###