



**SO ORDERED.**

**SIGNED this 10th day of September, 2025**

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

  
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**Suzanne H. Bauknight**  
**CHIEF UNITED STATES BANKRUPTCY JUDGE**

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

In re

BROOKE ALEXANDRIA HOOKS  
aka BROOKE ALEXANDRIA LOYD  
CHRISTOPHER SHANE HOOKS

Case No. 3:25-bk-31460-SHB  
Chapter 13

Debtors

**MEMORANDUM AND ORDER**

The Court held a hearing on September 10, 2025, pursuant to the Order entered August 19, 2025 (“August 19 Order”) [Doc. 14], directing Debtors to appear and show cause why this case should not be dismissed due to their ineligibility to be debtors under Title 11 under 11 U.S.C. § 109(g)(1), which provides that no individual may be a debtor “who has been a debtor in a case pending under [Title 11] at any time in the preceding 180 days if the case was dismissed by the court for willful failure of the debtor to abide by orders of the court, or to appear before the court in proper prosecution of this case,” and, pursuant to 11 U.S.C. § 349(a), which incorporates 11 U.S.C. § 109(g), why the Court should not impose a 180-day bar against the filing of a bankruptcy case by Debtors under any chapter of Title 11 for their repeated and willful failure to abide by orders of the bankruptcy court or otherwise comply with the provisions of the Bankruptcy Code in

this case, which was filed within 180 days of a prior case. Also before the Court was the Trustee's Motion to Dismiss filed by Debra L. Miller, Chapter 13 Trustee, on August 20, 2025 [Doc. 15], which was noticed for hearing on September 10, 2025. Debtors did not file a response to either the August 19 Order or the Motion to Dismiss, did not appear at the hearing on September 10, 2025, and did not file any of the delinquent documents detailed in Paragraph 1(B) of the August 19 Order.

### **I. FINDINGS OF FACT**

The record reflects the following undisputed facts. Debtors filed two *pro se* bankruptcy cases within 73 days, each with delinquent document filings and noncompliance with orders of this Court. The histories of the cases are summarized as follows:

(A) in Case No. 3:25-bk-31004-SHB, filed on May 23, 2024, Debtors, *pro se*, failed to (1) file the Statement Regarding Payment Advices; Schedules A/B through J; Declaration About Schedules; Summary of Assets and Liabilities and Certain Statistical Information; Statement of Financial Affairs; Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period; and Chapter 13 Plan required by §§ 521 and 1321; Rules 1007(b) and 3015(b); and the Notice of Additional Documents to Be Filed dated May 28, 2025; and (2) appear at the hearing held June 25, 2025, as required by the Court's Order entered on June 9, 2025 [No. 3:25-bk-31004-SHB, ECF Doc. 17], directing Debtors to appear and show cause why the case should not be dismissed for non-compliance, and the Notice of Hearing on the Chapter 13 Trustee's Motion to Dismiss filed June 13, 2025, resulting in dismissal of the case by an Order entered on June 25, 2025, "for willful failure of the debtor to abide by orders of the court [and] to appear before the court in proper prosecution of the case" [No. 3:25-bk-31004-SHB, ECF Doc. 26 (quoting 11 U.S.C. § 109(g)(1))]; and

(B) in this case, filed on August 4, 2025, Debtors have failed to file the Statement Regarding Payment Advices; Schedules A/B through J; Declaration About Schedules; Statement of Financial Affairs; Summary of Assets and Liabilities and Certain Statistical Information; Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period; Chapter 13 Plan; and Debtor Electronic Noticing Elections (DeBNs) required by 11 U.S.C. §§ 521(b)(1) and 1321; Federal Rules of Bankruptcy Procedure 1007(b) and 3015(b); E.D. Tenn. LBR 9036-1(b)(1); and the Notice of Additional Documents to Be Filed; and did not appear at the September 10 hearing as directed by the August 20 Order and noticed in the Trustee's Motion to Dismiss.

## **II. CONCLUSIONS OF LAW**

Bankruptcy courts “may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). “Unless the court, for cause, orders otherwise, . . . dismissal of a case under this title [does not] prejudice the debtor with regard to the filing of a subsequent petition under this title, except as provided in section 109(g) of this title.” 11 U.S.C. § 349(a). However, an individual may not be a debtor if he or she “has been a debtor in a case pending under this title at any time in the preceding 180 days if – the case was dismissed by the court for willful failure of the debtor to abide by orders of the court, or to appear before the court in proper prosecution of the case.” 11 U.S.C. § 109(g). Thus, under this statutory authority, the Bankruptcy Code imposes its own 180-day bar against re-filing by a debtor who has willfully failed to comply with court orders or appear before the Court, and it provides the Court with the authority to issue orders necessary to carry out the provisions of the Code, including dismissing a case with prejudice for cause.

Although courts must find that imposition of a sanction “be commensurate with the egregiousness of the conduct,” the purpose of adding § 109(g) was to address abuse of the system

including “the filing of meritless petitions in rapid succession to improperly obtain the benefit of the Bankruptcy Code’s automatic stay provisions as a means of avoiding foreclosure under a mortgage or other security interest.” *In re Cline*, 474 B.R. 789 (Table), No. 11-8075, 2012 WL 1957935, at \*7 (B.A.P. 6th Cir. June 1, 2012) (citations omitted). “While multiple filings are not, in and of themselves, improper or indicative of bad faith, a history of multiple filings and dismissals may be construed as bad faith.” *Cusano v. Klein (In re Cusano)*, 431 B.R. 726, 735 (B.A.P. 6th Cir. 2010) (citing *In re Glenn*, 288 B.R. 516, 520 (Bankr. E.D. Tenn. 2002)).

Bad faith can be demonstrated in a variety of ways, including serial filings with failure to make plan payments. *In re Grischkan*, 320 B.R. 654, 661 (Bankr. N.D. Ohio 2005). Other indicators include serial filers who “repeatedly [seek] the protections of the Bankruptcy Code in an effort to thwart the foreclosure efforts of [creditors]”, and those who “frustrate[] the bankruptcy process,” such as by failing to pay filing fees in installments and produce required documents.” *In re Lee*, 467 B.R. 906, 919 (B.A.P. 6th Cir. 2012); *see also In re Morris*, No. 3:10-BK-04143, 2010 WL 3943927, at \*9-10 (Bankr. M.D. Tenn. Oct. 6, 2010) (failure to pay filing fee or file certificate of credit counseling were two of the facts in the court’s decision to dismiss with prejudice). Repetition of the same conduct “strengthens the inference that the conduct was deliberate,” and the court will “infer from a pattern of dismissals and refilings in unchanged circumstances willful failure to abide by orders of the court and an abuse of the bankruptcy process.” *In re Nelkovski*, 46 B.R. 542, 544 (Bankr. N.D. Ill. 1985).

*In re Wilcoxon*, No. 18-62228-rk, 2018 WL 6016540, at \*3 (Bankr. N.D. Ohio Nov. 15, 2018).

Thus, if there is sufficient cause, courts have the authority under 11 U.S.C. §§ 105(a) and 349(a) to sanction abusive debtors with a prohibition against filing for more than the 180 days reflected in § 109(g)(1). *In re Cusano*, 431 B.R. at 737.

In a period of 73 days, Debtors filed two *pro se* Chapter 13 bankruptcy petitions; however, in neither case did they file the required statements and schedules nor did they appear before the Court in response to its orders. In this case, Debtors also failed to appear in compliance with the notice of hearing on the Trustee’s Motion to Dismiss. Further, Debtors did not appear at the hearing held September 10, 2025, or otherwise respond to the August 19 Order, notwithstanding that it expressly referenced imposition of a 180-day bar under §§ 109(g)(1) and 349(a).

For the foregoing reasons, constituting the Court's findings of fact and conclusions of law as required by Rule 52 of the Federal Rules of Civil Procedure, applicable to contested matters by virtue of Rule 9014 of the Federal Rules of Bankruptcy Procedure, the Court directs the following:

1. Because Debtors did not file the Statement Regarding Payment Advices; Schedules A/B through J; Declaration About Schedules; Statement of Financial Affairs; Summary of Assets and Liabilities and Certain Statistical Information; Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period; Chapter 13 Plan; and DeBNs required by 11 U.S.C. §§ 521(a)(1) and 1321; Federal Rules of Bankruptcy Procedure 1007(b) and 3015(b); E.D. Tenn. LBR 9036-1(b); and the Notice of Additional Documents to Be Filed dated August 5, 2025; and did not appear at the hearing held September 10, 2025, this Chapter 13 bankruptcy case is DISMISSED.

2. Additionally, the Trustee's Motion to Dismiss filed on August 20, 2025 [Doc. 15], is GRANTED.

3. Because she has repeatedly and willfully failed to abide by orders of the Court as outlined herein and failed to appear before the Court as directed, Brooke Alexandria Hooks is BARRED from filing another bankruptcy petition under any chapter of Title 11 of the United States Code for a period of 180 days from the date of entry of this Order. *See* 11 U.S.C. § 109(g)(1).

4. Because he has repeatedly and willfully failed to abide by orders of the Court as outlined herein and failed to appear before the Court as directed, Christopher Shane Hooks is BARRED from filing another bankruptcy petition under any chapter of Title 11 of the United States Code for a period of 180 days from the date of entry of this Order. *See* 11 U.S.C. § 109(g)(1).

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