

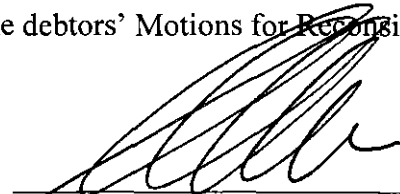
IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED  
**MAR 26 2009**  
JOHN F. CORCORAN, CLERK  
BY: *J. Bright*  
DEPUTY CLERK

)  
)  
IN RE: **BOYD ALLEN RIGGS, ET AL.,** )  
)  
) **Civil Action No.: 7:08cv00502**  
) **MEMORANDUM OPINION**  
)  
**Debtors.** )  
)  
) **By: Samuel G. Wilson**  
) **United States District Judge**

Debtors Boyd A. Riggs and Janice E. Riggs appeal the bankruptcy court's dismissal of their Chapter 13 petition. In its June 11, 2008 order, the bankruptcy court found that the debtors were abusing Chapter 13 in order to delay foreclosure, dismissed their petition with prejudice, and enjoined them from filing any future bankruptcy petitions for a period of one year. After debtors filed their Notice of Appeal on June 23, 2008, they filed two Motions for Reconsideration in the bankruptcy court on July 7 and 16, 2008. The bankruptcy court scheduled their request for reconsideration for a hearing on September 9, 2008. The debtors did not appear. The bankruptcy court's docket entry provides that the motion will be dismissed and that the law clerk will prepare the order, but there is no follow-up docket entry, reflecting that the bankruptcy court ever entered the anticipated order. Accordingly, this court **REMANDS** this case to the bankruptcy court for entry of its order addressing the debtors' Motions for Reconsideration.<sup>1</sup>

**Enter:** This March 26, 2009.

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup>It appears to this court that the Motions for Reconsideration are untimely because they were filed more than ten days after the June 11, 2008 order. See Fed. R. Civ. P. 59(e); Fed. R. Bankr. P. 9023 (applying rule 59(e) to bankruptcy cases). It would aid this court in the exercise of its jurisdiction if the bankruptcy court on remand addressed the timeliness of the Motions for Reconsideration, as well as the bankruptcy court's jurisdiction to consider them in the event they are untimely.