

UNITED STATES BANKRUPTCY COURT

DISTRICT OF HAWAII

In re ) Case No. 02-00721  
 ) Chapter 13  
CAROL J. HIMALAYA-FIDELE, )  
 )  
Debtor. )  
\_\_\_\_\_ )

**MEMORANDUM REGARDING  
DEBTOR'S MOTION TO DISMISS**

The Debtor has filed a motion to dismiss this case pursuant to 11 U.S.C. § 1307(b). The Office of the United States Trustee previously filed a motion to dismiss this case with prejudice and a 240-day bar to refiling, alleging that cause exists to dismiss this case with these conditions.

The Debtor has the right to dismiss a Chapter 13 case under section 1307(b), but the dismissal may be subject to certain conditions in appropriate circumstances. See 11 U.S.C. § 349(a); In re Greenberg, 200 B.R. 763, 766-67 (Bankr. S.D.N.Y. 1996).

A hearing will be held at the United States Bankruptcy Court for the District of Hawaii, 1132 Bishop Street, Honolulu, Hawaii, on **May 23, 2002, at 9:30 a.m.**, to consider what consequences, if any, should follow the dismissal of this case.

Dated: Honolulu, Hawaii, \_\_\_\_\_.

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Robert J. Faris  
United States Bankruptcy Judge