

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re:

David Maizenberg a/k/a

Case No.: 02-11554-JBR

David L Maizenberg,

Chapter 7

Debtor.

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DECISION AND ORDER REGARDING MOTION FOR RECONSIDERATION

On February 5, 2002, David Maizenberg (“Debtor”) filed a petition under chapter 7 of the Bankruptcy Code in the above captioned case (Docket #1). An Order discharging the Debtor was entered on June 4, 2002, and the case was closed on August 12, 2002. On July 7, 2011, Debtor pro se filed a motion (“Motion”) seeking to reopen this case for the purpose of adding a creditor he intentionally omitted from the petition so that he could receive a discharge of that debt (Docket # 13).

This Court held a hearing on the Motion on August 15, 2011, and Debtor appeared pro se. After the hearing, the Court denied the Motion (“Order”). On August 17, 2011, Debtor filed a letter regarding the Order, which this Court deems a motion to reconsider the Order (“Motion to Reconsider”)(Docket # 15). Additionally, in the letter Debtor requests that, if the Court were to deny the Motion to Reconsider, then the fee Debtor paid to file the Motion instead be applied toward his filing of a new bankruptcy petition.

After due consideration of the Motion to Reconsider, the Court hereby makes the following findings of fact and conclusions of law:

1. A motion to reconsider is governed by Rule 60(b) of the Federal Rules of Civil

Procedure, and made applicable to bankruptcy cases by Rule 9024 of the Federal Rules of Bankruptcy Procedure. “[T]he purpose of a motion for reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence. A party may not submit evidence that is not newly discovered in support of a motion for reconsideration.” *Harsco Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985), *cert denied*, 476 U.S. 1171 (1986) (citations omitted). A motion for reconsideration is appropriate when there has been a significant change in the law or facts since the submission of the issue to the court; it is not a vehicle for an unsuccessful party to rehash the same facts and same arguments previously presented. *Keyes v. Nat’l R.R. Passenger*, 766 F. Supp. 277, 280 (E.D. Pa. 1991).

2. The Motion fails to allege any newly discovered evidence, any manifest error of law, or any significant change in the law that would affect the prior outcome.

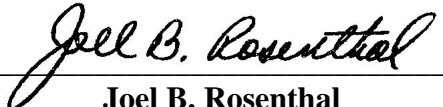
3. No evidence presented provides justification for the Court to use its discretion in this matter.

Regarding the Debtor’s request to transfer the filing fee, that request is denied. Debtor is essentially requesting a filing fee refund, which this Court cannot grant except under limited exceptions not applicable here. *See* 28 U.S.C. § 1930(f). The Court also notes that on July 7, 2011, Debtor filed a Notice of Change of Address, indicating Debtor now resides in Boulder, Colorado. If Debtor were to file a new petition under the Bankruptcy Code, he would likely be filing in a Colorado bankruptcy court, over which this Court has no jurisdiction.

For the foregoing reasons, the Motion is hereby DENIED.

Dated: August 23, 2011
Brooklyn, New York




Joel B. Rosenthal
United States Bankruptcy Judge