

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:06-bk-01915-ABB
Chapter 7

NYREE MORENO,

Debtor.

Accordingly it is,

ORDERED ADJUDGED and DECREED
that the Trustee's Motion is hereby denied.

Dated this 16th day of February, 2007.

/s/ Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge

ORDER

This matter came before the Court on the Motion to Reconsider Order Allowing Debtor to Proceed *in Forma Pauperis* ("Motion")¹ filed by Scott Fransen ("Trustee") against Nyree Moreno ("Debtor"). A final evidentiary hearing on the Motion was held on February 5, 2007 at which the Debtor, *pro se*, appeared.

The Debtor filed the instant Chapter 7 bankruptcy case on August 4, 2006 ("Petition Date").² She filed an Application for Waiver of the Chapter 7 Filing Fee stating she had no income, no bank account, no home, and no motor vehicles. An Order was entered on August 9, 2006 granting the Debtor's Application and allowing her to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1930.

A debtor is eligible to proceed *in forma pauperis* when the Court determines the debtor's income is less than 150% of the established poverty level for a family of the size of the debtor, and the debtor cannot make monthly installments. 28 U.S.C. § 1930(f). The established poverty level for a debtor household of one is \$9,800.00, and 150% of that amount is \$14,700.00.

The Trustee is seeking reconsideration of the Order waiving the Debtor's filing fee. He asserts after the Debtor made requisite amendments to her statements and schedules she currently as monthly income of \$1,733.00. Her income now exceeds the 150% poverty level and she was ineligible to proceed *in forma pauperis*. The Debtor is currently in a better position than she was when she filed her petition, however the Order previously entered waiving her filing fee was proper at the time it was entered. The Trustee's Motion is due to be denied.

¹ Doc. No. 27.

² Doc. No. 1.