



bankruptcy was dismissed based on their failure to attend a 341 meeting. The debtors indicate that at the time of the dismissal of the last petition, the debtor Carmen Rivera Ramos was partially unemployed. Their real properties in Florida were in danger of foreclosure. The debtor Luis Negrón Alvarado was adjusting from owning a cafeteria to being employed as a general worker. The debtors were under a lot of pressure from their creditors and they allowed the last petition to be dismissed because they were considering moving to Florida to try to find jobs and save their properties. The debtors indicate that since that time, Carmen Rivera became fully employed and they decided against moving to Florida. They believe that they can rehabilitate their debts under Chapter 13.

The dismissal order on the debtors' previous petition does not indicate that the dismissal was with prejudice. Based on the circumstances presented by the debtors as to why they allowed the last petition to be dismissed, the Court does not find that the previous petition was dismissed based on the debtors' willful failure to abide by an order of the court. Accordingly, the Court finds that the prohibition against being a debtor under Title 11 found in 11 U.S.C. §109(g)(1) does not apply.

Wherefore, IT IS ORDERED that United Surety & Indemnity's motion to dismiss (Dkt.# 5) is DENIED.

SO ORDERED.

Dated at San Juan, Puerto Rico this        day of April, 1995.

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Gerardo A. Carlo  
U.S. Bankruptcy Judge