

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

IN RE:)	
)	
ROBERT A. DEAL,)	CHAPTER 13
)	
Debtor.)	CASE NO. 10-71787

**ORDER DENYING DEBTOR’S REQUEST FOR EXPUNGMENT OF
BANKRUPTCY FILING**

This matter comes before the Court on the request of the Debtor, Robert A. Deal (the “Debtor”), *pro se*, to expunge his voluntary Chapter 13 filing, Case No. 10-71787, from the Court’s records. The Debtor advises the Court in his request that he was attempting to accomplish a short sale of a residence in 2010 when the bankruptcy case was filed, and that to effectuate the sale, he had to have his case dismissed, which he also accomplished in 2010. Given that he now works in the financial service industry, he asserts that the fact he filed for bankruptcy in 2010 is problematic for him, and that had he simply walked away from his residence in 2010 and not filed for bankruptcy, he would have no problem getting a job in the current environment, or qualifying for a mortgage. The Debtor asserts that 11 U.S.C. §§ 105 and 107 can provide the basis for expungement of his case from the Court records.

Section 107(a) of the Bankruptcy Code provides, in part, as follows:

Except as provided in subsections (b) and (c) and subject to section 112, a paper filed in a case under this title and the dockets of the bankruptcy court are public records and open to examination by an entity at reasonable times without charge.

11 U.S.C. § 107(a).

Subsection (b) deals with circumstances where the Court can enter orders to protect entities “with respect to trade secret or confidential research, development, or commercial

information,” or to protect persons “with respect to scandalous or defamatory matter contained in” documents filed with the Court. 11 U.S.C. § 107(b)(1)-(2). Neither of those circumstances apply here. No trade secret or confidential research, development, or commercial information is implicated, the filing is not scandalous, and no one has defamed the Debtor. This was a voluntary filing, and needless to say, one cannot defame himself. *See, e.g., Ortiz v. Panera Bread Co.*, No. 1:10CV1424, 2011 WL 3353432, 2011 U.S. Dist. LEXIS 85463 (E.D. Va. Aug. 2, 2011).

“Section 107(a) establishes a general right of public access to bankruptcy filings.” *In re Khan*, No. 11-57609-BB, BAP No. CC-13-1297, 2013 WL 6645436, at *3, 2013 Bankr. LEXIS 5303, at *7 (B.A.P. 9th Cir. 2013). Moreover, it is “rooted in the right of public access to judicial proceedings, a principal long-recognized in the common law and buttressed by the First Amendment.” *Id.* (quoting *Ferm v. U.S. Tr. (In re Crawford)*, 194 F.3d 954, 960 (9th Cir. 1999)). Subsection (c) provides a methodology to limit identifying information, which is not what is requested here. Finally, given the strong policy in favor of public access to the Court’s records, the Court does not believe that 11 U.S.C. § 105, which allows “[t]he court to issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title,” affords relief in the form of expungement. 11 U.S.C. § 105.

While the Court is not unsympathetic to the Debtor’s plight, he did file for bankruptcy, and he did so voluntarily. The Court cannot un-ring a bell which the Debtor himself chose to ring. For all of the foregoing reasons, and for the reasons stated in *In re Khan, supra*, it is hereby ORDERED that the Debtor’s request to have his bankruptcy filing expunged is denied.

The Court further notes that the Debtor did not expressly ask that his case be re-opened. To the extent that his request for expungement is to be treated as a motion to reopen, it is further

ORDERED the motion to reopen is likewise denied.

The Clerk is directed to send a copy of this Order to the Debtor at his current address.

ENTER this 23rd day of October, 2014.


UNITED STATES BANKRUPTCY JUDGE