

**THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

ADMINISTRATIVE ORDER 2007-4

In *Marrama v. Citizens Bank of Massachusetts*, 127 S.Ct. 1105 (2007), the Supreme Court held that a chapter 7 debtor's right to convert the case to one under another chapter of the Bankruptcy Code is not absolute (abrogating *In re Martin*, 880 F.2d 875 (5th Cir. 1989); *In re Croston*, 313 B.R. 447 (9th Cir. BAP 2004); and *In re Miller*, 303 B.R. 471 (10th Cir. BAP 2003)).

Prior to *Marrama*, the practice of this court was to automatically convert a chapter 7 case on the debtor's motion to one under another chapter provided that the case had not been previously converted. To comply with the holding in *Marrama*, this practice must change. Therefore, it is

ORDERED that a chapter 7 debtor's motion to convert the case to one under another chapter of the Bankruptcy Code may be made in compliance with this court's negative notice procedure of LBR 9007-1, Bankr. M.D.Ala. Motions so made may be considered by the court without an actual hearing. It is further

ORDERED that the Clerk of Court publish this order by electronic service on all CM/ECF registered attorneys in this district and by posting a copy of the same on the court's website.

Done this the 30th day of March, 2007.

/s/ Dwight H. Williams, Jr.
United States Bankruptcy Judge

/s/ William R. Sawyer
United States Bankruptcy Judge