U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
ENTERED
TAWANA C. MARSH... CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS

IN RE:	§	
	§	
T&N, INC. d/b/a FREEMAN ENTERPRISES d/b/a LACE,	§	CASE NO. 95-43021-MT-11
	§	
	§	CHAPTER 11 CASE
Debtor.	§	
	§	
T&N, INC., Plaintiff,	§	
	§	
v.	§	ADVERSARY NO. 04-4045
	§	
THE CITY OF ARLINGTON and ARLINGTON POLICE CHIEF Defendants.	§	

MEMORANDUM ORDER

On February 4, 2004, Plaintiff filed its Debtor's Petition and Motion for Temporary and Permanent Injunction to Enjoin the City of Arlington, Texas and Arlington Police Chief from Interfereing [sic] with Consummation of the Plan (the "Petition"). The above-captioned bankruptcy case (the "Case") was closed on December 30, 1997. In the absence of an open, underlying bankruptcy case this court is without jurisdiction to hear the Petition under 28 U.S.C. § 1334. While the Case may be subject to reopening pursuant to 11 U.S.C. § 350,[1] Plaintiff has not sought to reopen the Case. The court will not pre-judge whether the Case may be reopened by Plaintiff. *See, e.g., In re Nylon Net, Co.*, 225 B.R. 404, 404-05 (Bankr. W.D. Tenn. 1998) (denying debtor's motion to reopen a chapter 11 case that had been closed for over 10 years

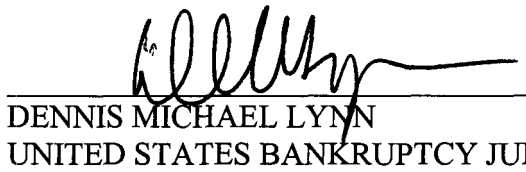
[1] 11 U.S.C. § 350(b) states, "A case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause."

because of the passage of time and the parties' interests were best served in the state forum). Without such a motion ruled upon by the court and in absence of jurisdiction the petition should be dismissed *sua sponte*.

It is therefore

ORDERED that the above-captioned adversary is dismissed without prejudice.

Signed this 24th day of February 2004.



DENNIS MICHAEL LYNN
UNITED STATES BANKRUPTCY JUDGE

DISTRIBUTION LIST

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