

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
OFFICE OF THE CLERK**

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February 19, 2008

**CLERK'S NOTICE 2008-01**

**MATTER SET FOR EN BANC CONSIDERATION**

A Motion for Entry of Chapter 13 Discharge filed on November 28, 2007, in *In re McCarthy*, Case No. 06-40127-DML-13, has been accepted for en banc consideration by the bankruptcy judges of the Northern District of Texas.

**ISSUE PRESENTED:**

Whether a Chapter 13 debtor, who made all plan payments and is otherwise entitled to a discharge, may be discharged prior to the expiration of the "applicable commitment period" in 11 U.S.C. §§ 1325(b)(1)(B), -(b)(4), where allowed unsecured claims have not been paid in full.

**ORAL ARGUMENT:**

Chief Judge Barbara J. Houser has scheduled oral argument on this matter before the Bankruptcy Court on April 18, 2008 at 10:00 a.m., Room No. 1546 (Judge Buchmeyer's Courtroom), 1100 Commerce Street, Dallas, Texas.

Parties who wish to file briefs as amicus curiae should review the Court's Procedures For En Banc Consideration of Legal Issues Under BAPCPA ([General Order 2006-03](#)), which can be found on the Court's web site at [www.txnb.uscourts.gov](http://www.txnb.uscourts.gov).

All pleadings should be filed in Case No. 06-40127, with six paper copies delivered to the Designated Judge, Judge D. Michael Lynn, U.S. Bankruptcy Court, Eldon B. Mahon U.S. Courthouse, 501 W. Tenth Street, Fort Worth, Texas 76102-3643.

FOR THE COURT  
Tawana C. Marshall, Clerk of Court