

UNITED STATES BANKRUPTCY COURT  
For the Southern District of Iowa

In the Matter of

LINDA FISHER,

Debtor.

Case No. 88-702-C

Chapter 13

ORDER ON APPLICATION TO FILE AMENDMENTS TO SCHEDULES  
IN FORMA PAUPERIS

On June 9, 1988 the debtor applied to file amendments to schedules in forma pauperism She contends she is unable to pay the \$20.00 filing fee because her expenses and plan obligations consume all of her income.

28 U.S.C. section 1915 governs in forma pauperis proceedings and authorizes "any court of the United States" to permit commencement of actions without prepayment of fees. 28 U.S.C. section 451 defines a "court of the United States" as one which is "created by Act of Congress the judges of which are entitled to office during good behavior." Bankruptcy courts do not fall within the ambit of section 451 because they are courts whose judges hold office for a specific term of years rather than for an unlimited number of years during good behavior. Matter of Becker's Motor Transportation, Inc., 632 F.2d 242, 247 (3rd Cir. 1980) cert. denied, Becker's Motor Transp., Inc. v. Dept. of Treasury, Internal Revenue Service, 450 U.S. 916, 101 S.Ct.

1358, 67 L.Ed.2d 341 (1981); In re Bauckey, Nos. 87-04743, 05067, 05088, 05360, 06917, 07030 (Bankr. N.J., Jan. 26, 1988) (LEXIS, Bkrtcy library, Bankr. file). Therefore, bankruptcy courts, not being "courts of the United States" under section 451, cannot utilize section 1915 to waive fees.

However, the Judicial Conference revised fee schedules for the bankruptcy court system in March of 1987 pursuant to 28 U.S.C. section 1930(b). Subsection 4 of the bankruptcy court fee schedules directs that a fee of \$20.00 be charged for amendments to a debtor's schedules of creditors "provided the bankruptcy judge may, for good cause, waive the charge in any case".

The court finds that good cause exists for waiving the fee in this case.

IT IS SO ORDERED.

Dated this 28th day of June, 1988.

LEE M. JACKWIG  
CHIEF U.S. BANKRUPTCY JUDGE