

**United States Bankruptcy Appellate Panel  
FOR THE EIGHTH CIRCUIT**

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No.00-6094EM

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In re:	*	
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Janet E. McCormick,	*	
	*	
Debtor.	*	
	*	
Janet E. McCormick,	*	
	*	
Plaintiff/Appellant,	*	Appeal from the United States
	*	Bankruptcy Court for the Eastern
v.	*	District of Missouri
	*	
Diversified Collection Services, Inc.,	*	[UNPUBLISHED]
Claim of: United States Department	*	
of Education,	*	
	*	
Defendant/Appellee,	*	

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Submitted: January 4, 2001  
Filed: January 24, 2001

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Before KOGER, Chief Judge, KRESSEL and SCOTT, Bankruptcy Judges.

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KRESSEL, Bankruptcy Judge.

Janet E. McCormick appeals from the bankruptcy court's order denying her application for leave to proceed *in forma pauperis* on a separate appeal. Because we find no error in the bankruptcy court's decision, we affirm.

## BACKGROUND

Janet E. McCormick commenced a chapter 7 bankruptcy case in 1998. On February 14, 2000, she filed a complaint asking the bankruptcy court to determine that the debt that she owed to the United States Department of Education was not excepted from her discharge. Trial on McCormick's complaint was held on May 22, 2000. On May 31, 2000, the bankruptcy court<sup>1</sup> entered its judgment determining that McCormick's debt to the United States Department of Education was not excepted from her discharge and granting the Department of Education judgment on its counterclaim in the amount of \$6,070.37.

McCormick appealed, but did not pay the filing and docketing fees. That appeal is currently pending as case number 00-6062EM. In that appeal, the debtor filed an application to pay the filing fee in installments. While there is no authority in statute or rule for paying the filing fee and docketing fees in installments, we directed McCormick to file an application to proceed *in forma pauperis* with the bankruptcy court. In an order entered on August 9, 2000, the bankruptcy court reviewed the application and its supporting documentation and found that McCormick had sufficient wherewithal to pay \$105.00 for the filing and docketing fees. In particular, the bankruptcy court found that, although McCormick's monthly expenses were \$1,594.86, that \$670.00 of that, related to a car, including the car loan payment of \$486.44, insurance of \$84.26, and \$100.00 per month for gas, oil, and maintenance. Those expenses, according to the bankruptcy court, relate to the Ford Explorer which the debtor purchased after she had filed her bankruptcy case. With a monthly net income of \$1,380.83, the bankruptcy court found that she could well afford to pay \$105.00 in fees associated with her appeal.

McCormick appeals from the August 9, 2000, order denying her motion for leave to appeal to proceed *in forma pauperis* in her appeal.<sup>2</sup> The bankruptcy court's order is fully supported by the record and its findings of fact are not clearly erroneous. The bankruptcy court has also committed no errors of law. As a result, we find no basis for reversing the bankruptcy court's order.<sup>3</sup>

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<sup>1</sup> The Honorable Barry S. Schermer, United States Bankruptcy Judge for the Eastern District of Missouri.

<sup>2</sup> We note that McCormick has also not paid the fees associated with this appeal.

<sup>3</sup> We have also considered the debtor's motion in the original appeal (00-6062EM) for leave to pay her filing fee in installments in a separate order entered in that appeal.

## CONCLUSION

Therefore, the order of the bankruptcy court denying Janet E. McCormick's motion for leave to proceed *in forma pauperis* in case number 00-6062EM is affirmed.

A true copy.

Attest:

CLERK, U.S. BANKRUPTCY APPELLATE  
PANEL, EIGHTH CIRCUIT.