UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MINNESOTA

In re William Shocinski

In re Shocinski · No. 26-31371 · Decided April 28, 2026

SUMMARY

The United States Bankruptcy Court for the District of Minnesota dismissed William Shocinski's Chapter 11 case after determining that the filing contained only the list of the 20 largest unsecured claims and not a valid bankruptcy petition. The court held that the case filing was void ab initio because the statutory and procedural requirements for commencing a voluntary bankruptcy case were not met.

CASE DETAILS

COURT	United States Bankruptcy Court for the District of Minnesota
WRITING FOR THE COURT	Katherine A. Constantine
JURISDICTION	United States Bankruptcy Court for the District of Minnesota
DECIDED	April 28, 2026
DOCKET	26-31371
DISPOSITION	dismissed
PROCEDURAL POSTURE	The bankruptcy court acted on its own initiative to determine whether the filing commenced a bankruptcy case and whether dismissal was required.
STANDARD OF REVIEW	The court reviewed the filing and record on its own initiative; no deferential appellate standard was applied.
PRECEDENTIAL VALUE	Unknown; bankruptcy court order with no reported citation.

TOPICS

chapter 11 · bankruptcy · pleadings · civil procedure

PRACTICE AREAS

Bankruptcy

QUESTIONS PRESENTED

1. Whether filing a document other than a bankruptcy petition commences a voluntary bankruptcy case.
2. Whether the purported Chapter 11 case should be dismissed when the filed document does not satisfy the statutory and procedural requirements for a petition.

HOLDINGS

1. A voluntary bankruptcy case is commenced only by filing a petition with the bankruptcy court; filing a creditor list or other document in place of the petition does not commence the case.
2. When the filing does not satisfy the requirements for a bankruptcy petition, the purported bankruptcy filing is void ab initio and the case must be dismissed.

KEY QUOTATIONS

> *"Although this case was commenced and a case number was assigned, the Debtor did not meet the requirements to file this case and the filing is considered void ab initio."*

> *"the petition and only the petition commences a bankruptcy case"*

FACTUAL BACKGROUND

The debtor's filing was labeled on the docket as a Chapter 11 voluntary petition for individuals but was actually Official Form 104, the list of creditors holding the 20 largest unsecured claims. No bankruptcy petition was filed, and the document did not satisfy multiple requirements governing the contents of a petition. The debtor also did not use Official Form 101, the required voluntary petition form for individuals.

PROCEDURAL HISTORY

On April 27, 2026, Attorney Yury Suponitsky initiated a purported individual Chapter 11 case by filing through CM/ECF a document identified as a voluntary petition. The filed document was actually the list of creditors holding the 20 largest unsecured claims, and no petition or other documents had been filed as of the order. The court determined that no bankruptcy case had validly commenced because the required petition was absent and dismissed the case.

DISPOSITION

dismissed

CASES CITED

- In re Ryan, 10-83346, 2010 WL 4608277, at *1 (Bankr. C.D. Ill. Nov. 4, 2010)
- In re Deuel, 594 F.3d 1073, 1077 (9th Cir. 2010)
- In re Castro, 158 B.R. 180, 183 (Bankr. C.D. Cal. 1993)

OPINION

UNITED STATES BANKRUPTCY COURT DISTRICT OF MINNESOTA

In re: Case No. 26-31371 William Shocinski, Chapter 11 Debtor.

ORDER DISMISSING CASE

This case is before the court1 on its own initiative.

On April 27, 2026, Attorney Yury Suponitsky, I, initiated this case by filing a "Chapter 11 Voluntary Petition for Individuals" through CM/ECF which automatically generated a case number and started this bankruptcy case. What was filed as the petition was actually the List of Creditors who have the 20 Largest Unsecured Claims, which is Official Form 104, and is required to be filed with the petition under Fed.

R. Bankr. P. 1007(d). No petition was filed and nothing has been filed as of the time of this order. Pursuant to 11 U.S.C. § 301, a voluntary case is "commenced by the filing with the bankruptcy court of a petition..." (emphasis added). Fed. R. Bankr. P. 1002(a) has the same language that a "bankruptcy case is commenced by filing a petition with the clerk." Requirements of a petition are also included in Fed.

R. Bankr. P. 1005(a). The document filed with the court captioned on the docket as the voluntary petition does not meet the requirements of Fed. R. Bankr. P. 1005(a)(2), (a)(3), or (a)(5) at a minimum. Fed. R. Bankr. P. 9009(a) requires the use of the Official Forms in bankruptcy cases. Official Form 101 is the Voluntary Petition for Individuals Filing for Bankruptcy; the Debtor did not use this form to commence this case.

1 This case was reassigned to the undersigned judge on April 28, 2026. Judge Katherine A. Constantine certifies familiarity with the record and determines that the case may be completed without prejudice to the parties pursuant to Fed. R. Bankr. P. 9028, which makes applicable Fed. R. Civ. P. 63, to the extent such certification is required.

Although this case was commenced and a case number was assigned, the Debtor did not meet the requirements to file this case and the filing is considered void ab initio. See In re Ryan, 10-83346, 2010 WL 4608277, at *1 (Bankr. C.D. Ill. Nov. 4, 2010). See also In re Deuel, 594 F.3d 1073, 77 (9th Cir.2010) (the petition and only the petition commences a bankruptcy case); In re Castro, 158 B.R.

180, 183 (Bankr.C.D.Cal.1993) (the filing of a voluntary petition, not the schedules, commences the case). Based on the record, IT IS ORDERED: This case is dismissed. Dated: April 28, 2026 s/ Katherine A. Constantine Katherine A. Constantine Chief United States Bankruptcy Judge