

(a) On April 1, 1998, and at each 3-year interval ending April 1 thereafter, each dollar amount in effect under 101(3), 101(18), 101(19A), 101(51D), 109(e), 303(b), 507(a), 522(d), 522(f)(3) and 522(f)(4), 522(n), 522(p), 522(q), 523(a)(2)(C), 541(b), 547(c)(9), 707(b), 1322(d), 1325(b), and 1326(b)(3) and section 1409(b) of title 28 immediately before such April 1 shall be adjusted:

(1) to reflect the change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for the most recent 3-year period ending immediately before January 1 preceding such April 1, and

(2) to round to the nearest \$25 the dollar amount that represents such change.

(b) Not later than March 1, 1998, and at each 3-year interval ending on March 1,

thereafter, the Judicial Conference of the United States shall publish in the **Federal Register** the dollar amounts that will become effective on such April 1 under sections 101(3), 101(18), 101(19A), 101(51D), 109(e), 303(b), 507(a), 522(d), 522(f)(3) and 522(f)(4), 522(n), 522(p), 522(q), 523(a)(2)(C), 541(b), 547(c)(9), 707(b), 1322(d), 1325(b), and 1326(b)(3) and section 1409(b) of title 28.

(c) Adjustments made in accordance with subsection (a) shall not apply with respect to cases commenced before the date of such adjustments.

**Revision of Certain Dollar Amounts in Bankruptcy Code**

Notice is hereby given that the dollar amounts are increased in the sections in

title 11 and title 28, United States Code, as set out in the following chart. These increases do not apply to cases commenced before the effective date of the adjustments, *i.e.*, April 1, 2010. Seven Official Bankruptcy Forms (1, 6C, 6E, 7, 10, 22A and 22C) and two Director's Forms (200 and 28.3) also will be amended to reflect these adjusted dollar amounts.

Dated: February 19, 2010.

**Francis F. Szczebak,**  
*Chief, Bankruptcy Judges Division.*

	Dollar amount to be adjusted	New (adjusted) dollar amount
<b>28 U.S.C.</b>		
1409(b)—a trustee may commence a proceeding arising in or related to a case to recover		
(1)—money judgment of or property worth less than .....	\$1,100 .....	\$1,175
(2)—a consumer debt less than .....	16,425 .....	17,575
(2)—a non consumer debt against a non insider less than .....	10,950 .....	11,725
<b>11 U.S.C.</b>		
101(3)—definition of assisted person .....	164,250 .....	175,750
101(18)(A) & (B)(ii)—definition of family farmer .....	3,544,525 (each time it appears) ..	3,792,650 (each time it appears).
101(19A)(A)(i) & (b)(ii)(II)—definition of family fisherman .....	1,642,500 (each time it appears) ..	1,757,475 (each time it appears).
101(51D)(A) & (B)—definition of small business debtor .....	2,190,000 (each time it appears) ..	2,343,300 (each time it appears).
109(e)—allowable debt limits for individual filing bankruptcy under chapter 13.	336,900 (each time it appears) .....	360,475 (each time it appears).
	1,010,650 (each time it appears) ..	1,081,400 (each time it appears).
303(b)—minimum aggregate claims needed for the commencement of involuntary chapter 7 or chapter 11 bankruptcy		
(1)—in paragraph (1) .....	13,475 .....	14,425
(2)—in paragraph (2) .....	13,475 .....	14,425
507(a)—priority expenses and claims		
(1)—in paragraph (4) .....	10,950 .....	11,725
(2)—in paragraph (5) .....	10,950 .....	11,725
(3)—in paragraph (6) .....	5,400 .....	5,775
(4)—in paragraph (7) .....	2,425 .....	2,600
522(d)—value of property exemptions allowed to the debtor		
(1)—in paragraph (1) .....	20,200 .....	21,625
(2)—in paragraph (2) .....	3,225 .....	3,450
(3)—in paragraph (3) .....	525 .....	550
(4)—in paragraph (4) .....	10,775 .....	11,525
(5)—in paragraph (5) .....	1,350 .....	1,450
(6)—in paragraph (6) .....	1,075 .....	1,150
(7)—in paragraph (8) .....	10,125 .....	10,825
(8)—in paragraph (11)(D) .....	2,025 .....	2,175
(8)—in paragraph (11)(D) .....	10,775 .....	11,525
(8)—in paragraph (11)(D) .....	20,200 .....	21,625
522(f)(3)(B)—exception to lien avoidance under certain state laws .....	5,475 .....	5,850
522(f)(4)(B)—items excluded from definition of household goods for lien avoidance purposes.	550 (each time it appears) .....	600 (each time it appears).
522(n)—maximum aggregate value of assets in individual retirement accounts exempted.	1,095,000 .....	1,171,650
522(p)(1)—qualified homestead exemption .....	136,875 .....	146,450
522(q)(1)—state homestead exemption .....	136,875 .....	146,450
523(a)(2)(C)—exceptions to discharge		
in subclause (i)(I)—consumer debts, incurred ≤90 days before filing owed to a single creditor in the aggregate.	550 .....	600
in subclause (i)(II)—cash advances incurred ≤70 days before filing in the aggregate.	825 .....	875
541(b)—property of the estate exclusions		
(1)—in paragraph (5)(C)—education IRA funds in the aggregate ..	5,475 .....	5,850
(2)—in paragraph (6)(C)—pre-purchased tuition credits in the aggregate.	5,475 .....	5,850

	Dollar amount to be adjusted	New (adjusted) dollar amount
547(c)(9)—preferences, trustee may not avoid a transfer if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of property is less than.	5,475 .....	5,850
707(b)—dismissal of a case or conversion to a case under chapter 11 or 13 (means test)		
(1)—in paragraph (2)(A)(i)(I) .....	6,575 .....	7,025
(2)—in paragraph (2)(A)(i)(II) .....	10,950 .....	11,725
(3)—in paragraph (2)(A)(ii)(IV) .....	1,650 .....	1,775
(4)—in paragraph (2)(B)(iv)(I) .....	6,575 .....	7,025
(5)—in paragraph (2)(B)(iv)(II) .....	10,950 .....	11,725
(6)—in paragraph (5)(B) .....	1,100 .....	1,175
(7)—in paragraph 6(C) .....	575 .....	625
(8)—in paragraph 7(A)(iii) .....	575 .....	625
1322(d)(1)(c) & (2)(c)—contents of chapter 13 plan, monthly income ...	575 (each time it appears) .....	625 (each time it appears).
1325(b)(3) & (b)(4)—chapter 13 confirmation of plan, disposable income.	575 (each time it appears) .....	625 (each time it appears).
1326(b)(3)(B)—payments to former chapter 7 trustee .....	25 .....	25

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**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

**Dwayne LaFrantz Wilson, M.D.;  
 Revocation of Registration**

On October 22, 2008, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Dwayne LaFrantz Wilson, M.D. (Respondent), of Providence, Rhode Island. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration, BW6030857, which authorizes him to dispense controlled substances as a practitioner, and the denial of any pending applications to renew or modify his registration, on the ground that his Rhode Island medical license had been suspended, and that he therefore lacks authority to handle controlled substances under the laws of Rhode Island, the State in which he is registered. Show Cause Order at 1.

On October 23, 2008, the Government initially attempted to serve the Show Cause Order on Respondent by certified mail, return receipt requested, addressed to him at his registered address. However, the mailing was returned by the Post Office, with a sticker attached which stated: "NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD."

Thereafter, a DEA Investigator (DI) contacted the Rhode Island Board of Medicine in an attempt to obtain Respondent's address. Declaration of Thomas Cook at 1. A board official indicated that he did not know Respondent's current address, but had heard that he had moved to somewhere

in the Southwestern United States. *Id.* The DI also unsuccessfully searched for Respondent through various online databases but could not find any information regarding the latter's whereabouts. *Id.* The DI also tried to contact him through the e-mail address he had previously provided to DEA; Respondent did not, however, reply to the e-mail. *Id.* Finally, the DI contacted the owner of the apartment which Respondent had rented and used as his registered location. *Id.* at 2. Respondent's ex-landlord advised that Respondent had moved in April 2008 and did not leave a forwarding address. *Id.* Accordingly, the Government has been unable to provide actual notice of this proceeding to Respondent.

In *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950), the Supreme Court held that "when notice is a person's due \* \* \* [t]he means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it." More recently, in a case in which a State attempted to serve a property owner with notice of a tax sale by certified mail which was returned as unclaimed, the Court explained that "when a letter is returned by the post office, the sender will ordinarily attempt to resend it, if it is practicable to do so." *Jones v. Flowers*, 547 U.S. 220, 230 (2006) (citing *Small v. United States*, 136 F.3d 1334, 1337 (DC Cir. 1998)).

In *Jones*, the Court reaffirmed, however, that "[d]ue process does not require that a property owner receive actual notice before the government may take his property." 547 U.S. at 226 (citing *Dusenbery v. United States*, 534 U.S. 161, 170 (2002)). Moreover, due process does not require "heroic efforts," *Dusenbery*, 534 U.S. at 170, but rather, only that "the government \* \* \* provide 'notice reasonably calculated, under all the circumstances, to apprise

interested parties of the pendency of the action and afford them an opportunity to present their objections.'" 547 U.S. at 226 (quoting *Mullane*, 339 U.S. at 314).

Applying these standards, I hold that the Government has satisfied the requirements of due process, notwithstanding that it has been unable to serve Respondent. In contrast to *Jones*, the Government was not required to resend the Show Cause Order by regular mail because the original certified mailing was not returned as unclaimed, but rather as undeliverable (apparently because Respondent did not leave a forwarding address with the Post Office). As the Court reasoned in *Jones*, "if there were no reasonable additional steps the government could have taken upon return of the unclaimed notice letter, it cannot be faulted for doing nothing." 547 U.S. at 234. Moreover, the Government made substantial efforts to locate Respondent. Even though its efforts were unsuccessful, they were "reasonably calculated, under all the circumstances, to apprise [Respondent] of the pendency of the action," and thus satisfy due process. *Dusenbery*, 534 U.S. at 173 (quoting *Mullane*, 339 U.S. at 314).

I further hold that this matter may proceed *in absentia*. I therefore enter this Decision and Final Order without a hearing based on the evidence contained in the record submitted by the Government. I make the following findings.

**Findings**

Respondent is the holder of DEA Certificate of Registration, BW6030857, which authorizes him to dispense controlled substances in schedules II through V as a practitioner. Respondent's registered location is 388 South Main St., #56, Providence, Rhode Island; his registration does not expire until May 31, 2010.