

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:

Pamela B. DeShazo,

Debtor.

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Case No. 12-80793C-13D

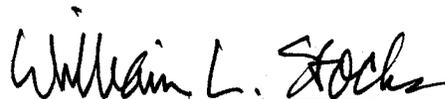
DISMISSAL ORDER

This case came before the court on June 28, 2012, pursuant to an order directing that the Debtor appear and show cause why this case should not be dismissed as a result of the failure of the Debtor to obtain credit counseling prior to the filing of the petition as required under section 109(h) of the Bankruptcy Code. The record in this case reflects that the Debtor filed a Certificate of Completion for Bankruptcy Counseling (Docket #10) on June 4, 2012. However, such Certificate reflects and the hearing confirmed that the credit counseling received by the Debtor was received on June 1, 2012, which was after the petition was filed in this case on May 29, 2012. Because the Debtor did not receive the credit counseling required under section 109(h) prior to the filing of the petition, the Debtor has not complied with section 109(h) which requires that the credit counseling be received "during the 180-day period ending on the date of filing of the petition. . . ." It follows that the Debtor is not eligible to be a debtor or to obtain relief in this case under Title 11 of the United States Code. Accordingly, this case shall be dismissed. See In re Ingram, 460 B.R. 904, 909-10 (B.A.P. 6th Cir. 2011) (affirming

dismissal of debtor's case when certificate of credit counseling was both obtained and filed one day after petition was filed); In re Duncan, 418 B.R. 278, 280-81 (B.A.P. 8th Cir. 2009) (affirming dismissal of debtors' case when certificate of credit counseling was both obtained and filed post-petition); In re Gordon, 467 B.R. 639, 641-42 (Bankr. W.D. Ky. 2012) (dismissing debtor's case when certificate of credit counseling was both obtained and filed post-petition); In re Childs, 335 B.R. 623, 630 (Bankr. D. Md. 2005) (dismissing debtor's case because post-petition credit counseling is "insufficient" to satisfy section 109 (h)).

It is, therefore, ORDERED, ADJUDGED AND DECREED that this case shall be and hereby is dismissed.

This 6th day of July, 2012.



WILLIAM L. STOCKS
United States Bankruptcy Judge