

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF: )  
 )  
JACKIE L. NEW ) CASE NO. 07-10867  
 )  
 )  
Debtor )

**DECISION AND ORDER DENYING MOTION TO RECONSIDER**

At Fort Wayne, Indiana, on May 18, 2007.

This case was dismissed on April 27, 2007, due to the debtor's failure to demonstrate her eligibility for relief under title 11 by filing a certificate demonstrating compliance with § 109(h) of the Bankruptcy Code. On May 16, 2007, the debtor filed a letter, which the court has construed as a motion to reconsider its order dismissing this case, asking the court to vacate its order of dismissal and reinstate this case.

In essence, the debtor is asking the court to waive the requirement that the debtor complete credit counseling within the 180 days prior to filing because she did not know of the requirement. While the court sympathizes with the debtor's plight, it does not have the discretion to waive or modify the eligibility requirements of § 109(h), except in the circumstances specifically identified by Congress, see, 11 U.S.C. §§ 109(h)(3), (4), which do not apply here. Debtor's motion to reconsider the order of April 27, 2007, dismissing this case is, therefore, DENIED.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court