

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF: )  
 )  
THOMAS ANDREW JOHNSTON ) CASE NO. 08-11896  
 )  
Debtor )

**DECISION**

At Fort Wayne, Indiana, on July 11, 2008.

By the court's order of June 25, 2008, the debtor was directed to file a certification which fully complied with the requirements of § 109(h)(3) and demonstrated eligibility for relief under Title 11 within fourteen (14) days. The failure to do so was to result in dismissal without further notice or hearing. On June 27, 2008, the debtor filed a certificate demonstrating that he completed credit counseling on June 26, 2008, well after the date on which he filed his petition.

Despite the debtor's submission, he has failed to demonstrate that he completed the counseling during the 180 days prior to filing. 11 U.S.C. § 109(h). Furthermore, he has failed to demonstrate that he qualifies for a waiver of that requirement by filing a certification describing "exigent circumstances" which necessitated the immediate filing of a bankruptcy petition without waiting for the completion of credit counseling, and which "states that the debtor requested credit counseling . . . but was unable to obtain [it]" within five days. 11 U.S.C. § 109(h)(3)(A)(i-iii). All the debtor has done is show that he obtained credit counseling after the case was filed. That is not enough.

The debtor has not fulfilled the requirements of 11 U.S.C. § 109(h), is not eligible for relief under the United States Bankruptcy Code and this case should be dismissed. An order doing so will be entered.

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