

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:

STEVEN L. SMULLEN

Debtor

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CASE NO. 08-13288

DECISION

At Fort Wayne, Indiana, on October 20, 2008.

By the court's order of October 3, 2008, the debtor was directed to comply 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 October 14, 2008, the debtor filed certificates demonstrating that he completed credit counseling that same day – on October 14, 2008 – well after the date on which he filed the 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). All the debtor have 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