

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
JASON FELICIANO,) CASE NO. 10-21991
) Chapter 7
Debtor.)

ORDER DENYING MOTION TO WAIVE PERSONAL FINANCIAL MANAGEMENT COURSE
["MOTION"]

The Motion, filed on October 12, 2010, seeks to excuse the debtor from compliance with 11 U.S.C. § 727(a)(11) pursuant to the provisions of 11 U.S.C. § 109(h)(4), on the basis that the debtor is incarcerated and is unable to take the required course. The Motion deems this circumstance to be "incapacitated". However, the term "incapacity" is defined in 11 U.S.C. § 109(h)(4) as being "impaired by reason of mental illness or mental deficiency so that he is incapable of realizing and making rational decisions with respect to his financial responsibilities." Incarceration does not fit within this definition.

IT IS ORDERED that the Motion is Denied.

Dated at Hammond, Indiana on October 27, 2010.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee