

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 15-42099

BOBBY RAY MOULTRY,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING DEBTOR'S EX PARTE MOTION TO REOPEN AND
REINSTATE DEBTOR'S CHAPTER 7 CASE**

On February 16, 2015, Debtor filed a voluntary petition for relief under Chapter 7, commencing this case. On February 19, 2015, the Court entered an order dismissing this case, because the Debtor is not eligible to be a debtor in this case, under 11 U.S.C. § 109(h)(1). That is because "Debtor did not receive the required credit counseling briefing during the 180-day period ending on the date of the filing of her petition." (*See* "Order Dismissing Case" (Docket # 18).)

Now this case is before the Court on Debtor's motion entitled "Ex Parte Motion to Reopen and Reinstate Debtor's Chapter 7 Case" (Docket # 22, the "Motion), filed on February 26, 2015. The Motion argues that Debtor has cured the defect which caused the dismissal of the case, by filing a "Certificate of Counseling" which states that *on February 26, 2015*, Debtor received "an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111." (Docket ## 22, 23.)

The Court must deny the Motion, because the Debtor did not cure the problem under 11 U.S.C. § 109(h)(1) by getting a credit counseling briefing post-petition, on February 26, 2015. 11 U.S.C. § 109(h)(1) provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, during the 180-day period ending on the date of filing the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

Debtor received this credit counseling briefing ten days *after* filing the bankruptcy petition. With exceptions not applicable here, 11 U.S.C. § 109(h)(1) requires a debtor to obtain a credit counseling briefing *on or before* the date of filing the bankruptcy petition.

Accordingly,

IT IS ORDERED that the Motion (Docket # 22) is denied..

Signed on February 28, 2015

/s/ **Thomas J. Tucker**
Thomas J. Tucker
United States Bankruptcy Judge