

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 25-40716

LINDA E. HARVEY,

Chapter 7

Debtor.

Judge Thomas J. Tucker

ORDER DISMISSING CASE

On January 27, 2025, the Debtor filed a voluntary petition for relief under Chapter 7, commencing this case, and also filed, among other documents, a “Certificate of Counseling” (Docket # 3, “Certificate # 1”), which states that on June 26, 2024, the Debtor received “an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.”

Today, on January 29, 2025, the Debtor filed another “Certificate of Counseling” (Docket # 7, “Certificate # 2”), which states that on January 29, 2025, the Debtor received another “individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.”

Based on Certificate # 1 and on Certificate # 2, the Court concludes that the Debtor is not eligible to be a debtor in this case under 11 U.S.C. § 109(h)(1). That provision 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.

(Emphasis added).

The Debtor did not receive the required credit counseling briefing *during the 180-day period ending on the date of the filing of her petition*. In this case, the “180-day period ending on” the petition date of January 27, 2025 began on July 31, 2024, and ended on January 27, 2025. As shown by Certificate # 1, the Debtor received her first credit counseling briefing on June 26, 2024, which was 35 days before the relevant 180-day period began.

Then, as shown by Certificate # 2, the Debtor received her second credit counseling briefing 2 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, and no more than 180 days before the petition date.

The Debtor has failed to satisfy this requirement. As a result, the Debtor is not eligible to be a debtor in this case, and the case must be dismissed.

IT IS ORDERED that this case is dismissed.

Signed on January 29, 2025



/s/ **Thomas J. Tucker**

Thomas J. Tucker
United States Bankruptcy Judge