

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA

In re:

SUSAN JAN BRADSHAW,

Debtor.

Case No. A08-00855-DMD

Chapter 13

Filed On
4/9/09

MEMORANDUM REGARDING DISMISSAL

11 U.S.C. § 109(h)(1) requires that an individual debtor obtain credit counseling prior to filing for bankruptcy relief. Under exigent circumstances, a court can grant an exemption from the credit counseling requirement for up to forty-five days following the filing of a petition.¹ Bankruptcy Rule 9006(b) allows for enlargement of time for acts required to be done in a specified period of time by the *Federal Rules of Bankruptcy Procedure*. Rule 9006(b) does not apply to 11 U.S.C. § 109(h), because § 109(h) is a statute and not a rule.

The debtor filed for Chapter 7 relief on December 30, 2008. She did not obtain the appropriate credit counseling until February 26, 2009. That is a gap of fifty-eight days. Unfortunately, this court has no power to extend the credit counseling deadline to fifty-eight days. The United States Trustee's motion must be granted. The dismissal is without prejudice, however. The debtor may re-file and move to extend the stay under 11 U.S.C. § 362(c)(3). An appropriate order will be entered.

¹11 U.S.C. § 109(h)(3).

DATED: April 8, 2009.

BY THE COURT

/s/ Donald MacDonald IV
Donald MacDonald IV
United States Bankruptcy Judge

Serve: C. Johansen, Esq.
J. Beard, Esq.
K. Hill, Esq.
L. Compton, Trustee
U. S. Trustee

4/09/09