

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Michael S. McManus
Bankruptcy Judge
Sacramento, California

April 16, 2018 at 2:00 p.m.

1.	18-20792-A-13 YELENA MARKEVICH JPJ-1	MOTION TO DISMISS CASE 3-27-18 [37]
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Tentative Ruling: The case will be dismissed.

The debtor failed to file Exhibit D to the petition together with a certificate for credit counseling as required by Fed. R. Bankr. P. 1007(b)(3) and 11 U.S.C. § 521(b). The petition states that the debtor received the counseling but did not have certificate evidencing it. The petition also indicates that the certificate would be filed within the next 14 days. The certificate was not filed within the next 14 days as required by Fed. R. Bankr. P. 1007(c).

A review of the docket reveals that a certificate was filed on April 3. It does not indicate that the debtor received counseling before filing the case. It states the debtor received the counseling on April 2, more than 2 months after the case was filed.

The debtor was not eligible for bankruptcy relief when this case was filed. See 11 U.S.C. § 109(h). This is cause for dismissal.

The court also notes that the debtor filed three prior cases from 2011 to 2014. Hence, the debtor was well aware of the requirement that she receive a credit counseling briefing before this case was filed.

There is no reason to address the remaining grounds for dismissal, all of which have merit and independently justify dismissal.