



Opinion 507

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Opinion Title: 01/19/2007 UNPUBLISHED In re Giles, 06-23988, Judge Thurman.

Body: The debtors in this chapter 13 case obtained credit counseling 182 days before filing for bankruptcy relief. Section 109(h), by its terms, requires debtors to obtain credit counseling 180 days before filing. The Court held that it lacks discretion to waive a debtor's failure to obtain the required credit counseling required by section 109(h). To that end, the Court also held that it lacked discretion to find that the debtors had complied section 109(h) by satisfying the "spirit" of the bankruptcy provision. . The Court granted the Trustee's Motion to Dismiss, finding that it lacked jurisdiction over the case.

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Judge: [Judge William T. Thurman](#) [2]

Date: Friday, January 19, 2007

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