



IT IS ORDERED as set forth below:

Date: October 27, 2010

A handwritten signature in black ink, appearing to read "W. H. Drake", is written over a horizontal line.

**W. H. Drake
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

IN THE MATTER OF:	:	CASE NUMBER
	:	
PEGGIE M. MARTIN	:	10-11152-WHD
	:	
	:	IN PROCEEDINGS UNDER
	:	CHAPTER 7 OF THE
DEBTOR.	:	BANKRUPTCY CODE

ORDER

Before the Court is the Motion to Vacate Dismissal Order, filed by Peggie Martin (hereinafter the "Debtor"). This matter constitutes a core proceeding, over which this Court has subject matter jurisdiction. *See* 28 U.S.C. § 157(b)(2)(A); § 1334.

The Debtor filed a voluntary petition under chapter 7 of the Bankruptcy Code on March 26, 2010. The Debtor failed to file a certificate evidencing her completion of the prepetition credit counseling briefing required by section 109(h) of the Bankruptcy Code. The United States Trustee moved for the dismissal of the Debtor's case due to the Debtor's failure to file the certificate. At the hearing on the Motion to Dismiss held on August 27,

2010, the Debtor failed to appear or otherwise oppose the dismissal. The Court dismissed the Debtor's case on August 30, 2010.

The Debtor filed the instant motion on September 20, 2010. The Debtor has asked the Court to vacate the dismissal order and reinstate her case. It appears that the Debtor did attend the credit counseling briefing after the filing of her petition. As the briefing was not obtained prior to the filing of the petition, however, the Debtor is not eligible to be a debtor in this case. *See* 11 U.S.C. § 109(h). As the United States Trustee opposes the Debtor's motion to vacate the dismissal, the Court finds the Motion should be and hereby is **DENIED.**

END OF DOCUMENT