

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
Proceeding Memorandum/Order

In Re: Amorello, Peter L.

Case Number: 05-60028 JBR

Chapter: 7

MOVANT/APPLICANT/PARTIES

[9] Certificate of Credit Counseling

COURT ACTION:

Show Cause Order _____ Released _____ Enforced _____
_____ Granted _____ Approved _____ Moot _____
_____ Denied _____ Denied without Prejudice _____
_____ Withdrawn in Open Court _____
_____ Sustained _____ Overruled _____
Continued to: _____
Proposed Order to be Submitted by: _____
Stipulation to be Submitted by: _____
Taken Under Advisement _____

DECISION SET OUT MORE FULLY BY COURT AS FOLLOWS:

at the hearing on the within Certificate Debtor's counsel acknowledged that although Debtor was disabled he was able to participate by telephone in a briefing required by 11 U.S.C. § 109(h)(1). Counsel was given 15 days to file any memo of law or affidavit concerning § 109 - none had been filed. as the Debtor has not demonstrated "exigent circumstances" and "unavailability" of counseling, both as required under 11 U.S.C. § 109(h)(2), the Court has no choice but to dismiss this case. case DISMISSED.

SO ORDERED:

Joel B. Rosenthal
Joel B. Rosenthal

Dated: 12/20/05