UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
Proceeding Memorandum/Order

In Re: Amorello, Peter L.

Case Number: 05-60051 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 written 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)(3), the Court has no choice but to dismiss this case. Case DISMISSED.

SO ORDERED:

Joel B. Rosenthal

Dated: 12/20/05

Joel B. Rosenthal