

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document has been entered electronically in the record of the United States Bankruptcy Court for the Northern District of Ohio.



Dated: August 10 2007

A handwritten signature in blue ink, appearing to read "Mary Ann Whipple".

Mary Ann Whipple
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In Re:)	Case No. 07-32854
)	
Jamil Shabazz and Andrea Reynolds-Shabazz,)	Chapter 7
)	
Debtor(s).)	JUDGE MARY ANN WHIPPLE

ORDER

The court held a hearing on August 9, 2007, on Debtor's Motion for Exemption from Credit Counseling [Doc. #20]. Debtor Andrea Reynolds-Shabazz and counsel for Debtors appeared in person at the hearing. There were no other appearances. The motion was duly and properly served on all creditors and parties in interest and no objections to the motion were filed or asserted at the hearing.

The motion seeks a determination that Debtor Jamil Shabazz is incapacitated under 11 U.S.C. § 109(h)(4), for purposes of excusing compliance with 11 U.S.C. §§ 109(h)(1). The basis for his alleged incapacity is that he is incarcerated in Cuyahoga County and lacks access to the means to participate in the required briefing. While the court disagrees that Mr. Shabazz's incarceration constitutes a disability excusing compliance, the court finds that compliance has occurred because Ms. Reynolds-Shabazz holds a filed power of attorney for Mr. Shabazz and commenced the case in that capacity as to Mr. Shabazz. As she did participate in the required briefing within the 180 days preceding the date of filing of the petition and properly file a certificate memorializing her participation, Mr. Shabazz's compliance with § 109(h)(1) has technically occurred through Ms. Reynolds-Shabazz and the filed pre-petition power of attorney form.

Based on the foregoing reasons and as otherwise stated on the record, for good cause shown,
IT IS ORDERED that Debtor's Motion for Exemption from Credit Counseling [Doc. #20] will be treated by the court as a motion for determination of Debtor Jamil Shabazz's compliance with 11 U.S.C. § 109(h)(1) and hereby GRANTED. Jamil Shabazz is eligible to be a debtor under Chapter 13 of Title 11 and is not required to file a certificate of participation in a briefing from an approved nonprofit budget and credit counseling agency.