

1 UNITED STATES BANKRUPTCY COURT
2 EASTERN DISTRICT OF CALIFORNIA
3

FILED
December 11, 2014
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

4 In re)
5 Delegation of Authority to the Clerk of) General Order 14-04
6 the Bankruptcy Court and his Deputies)
7 _____)

8 **IT IS ORDERED** that General Order 13-04 dated December 11, 2013, is hereby
9 abrogated.

10 **IT IS FURTHER ORDERED** that Wayne Blackwelder, the duly appointed Clerk of the
11 U.S. Bankruptcy Court for the Eastern District of California, and his deputies shall have the
12 same rights and powers, shall perform the same functions and duties, and shall be subject to
13 the same provisions of Title 28, United States Code, as a clerk and other employees appointed
14 under 28 U.S.C. § 751. Pursuant to the provisions of 28 U.S.C. § 956, 11 U.S.C. § 105, and
15 the Federal Rules of Bankruptcy Procedure, the clerk and such deputies as he may designate
16 are authorized to sign and enter without further direction the following orders which are deemed
17 to be of a ministerial, nondiscretionary, nonjudicial, and/or administrative nature:

- 18
- 19 1. Orders pursuant to Federal Rule of Bankruptcy Procedure 2004, presented on
20 EDC Form 6-970A, authorizing the examination of a person but not compelling
21 the production of documentary evidence;
 - 22
 - 23 2. Orders fixing the last dates for the filing of objections to confirmation of chapter
24 12 and chapter 13 plans, complaints objecting to discharge, complaints to
25 determine the dischargeability of debts, proofs of claim, and amendments
26 thereto;
 - 27
 - 28

- 1 3. Orders granting applications to pay the filing fee in installments as provided by
2 the Federal Rules of Bankruptcy Procedure;
3
- 4 4. Orders granting discharge of debtors in chapter 7 cases in which no objection
5 to discharge is pending, the debtor(s) has (have) not executed a waiver of
6 discharge or been otherwise denied a discharge, and where it appears from the
7 record that the debtor(s) is(are) eligible for a discharge;
8
- 9 5. Orders granting discharge of debtors in chapter 13 cases in which no objection
10 to discharge is pending, the debtor(s) has(have) not executed a waiver of
11 discharge or been otherwise denied a discharge, and in cases filed on and after
12 October 17, 2005, after notice affording parties-in-interest the opportunity to
13 object to the debtor's eligibility for discharge and no objections having been filed;
14
- 15 6. Orders closing bankruptcy cases without entry of a discharge when the debtor(s)
16 has(have) failed to file a statement of completion of a course concerning
17 personal financial management (Official Form 23) or a motion to extend time to
18 file the statement after the Clerk has sent the debtor a notice of the deficiency
19 and an opportunity to file a motion to extend time. If the debtor files a motion to
20 extend time to file the statement and the debtor fails to file the statement within
21 the time specified in the Judge's order, the Clerk will close the case without entry
22 of discharge;
23
- 24 7. Orders closing bankruptcy cases without entry of a discharge when the debtor(s)
25 has(have) not paid in full the filing fee prescribed by 28 U.S.C. § 1930(a) and
26 any other fee prescribed by the Judicial Conference of the United States under
27 28 U.S.C. § 1930(b) that is payable to the Clerk upon the commencement of a
28 case under the Bankruptcy Code, or a motion to extend time to pay the fee after

1 the Clerk has sent the debtor a notice of the deficiency and an opportunity to file
2 a motion to extend time. If the debtor files a motion to extend time to pay the fee
3 and the debtor fails to pay the fee within the time specified in the Judge's order,
4 the Clerk will close the case without entry of a discharge;

5
6 8. Orders closing chapter 13 bankruptcy cases without entry of a discharge when
7 the debtor(s) fail(s) to certify that (A) the debtor has not received a prior
8 bankruptcy discharge within the time periods specified in 11 U.S.C. § 1328(f),
9 (B) the debtor has paid all domestic support obligations, or (C) the debtor does
10 not owe debts of the type described in 11 U.S.C. § 522(q) while claiming
11 exemptions in real property, personal property, or a cooperative used as a
12 residence or claimed as a homestead, or in a burial plot that exceed the amount
13 stated in 11 U.S.C. § 522(q)(1), or that such exemptions in excess of the amount
14 stated in 11 U.S.C. § 522(q)(1) are reasonably necessary for the support of the
15 debtor or the debtor's dependents after the Trustee has sent the debtor a notice
16 of completed plan payments and of the obligation to file documents
17 demonstrating eligibility for discharge. If the debtor fails to file the documents
18 or the filed documents fail to demonstrate eligibility for discharge, the Clerk will
19 close the case without entry of discharge;

20
21 9. Orders reopening cases pursuant to 11 U.S.C. § 350(b) where the stated
22 purpose of reopening is to file a motion to avoid lien, to file a Debtor's 11 U.S.C.
23 § 1328 Certificate, to file a complaint to obtain a determination of the discharge
24 status of a debt under Federal Rule of Bankruptcy Procedure 4007(b), to file a
25 motion to redact, seal, strike or restrict public access to document(s) in the court
26 file, to file a certificate regarding the completion of a course in financial
27 management (Official Form 23) and obtain a discharge when the case was
28 closed without a discharge having been entered and the debtor is not also

1 requesting a waiver of the fee to reopen the case or to pay fees as per FRBP
2 4004(c)(1)(G);

3
4 10. After Court approval of all amounts awarded therein, orders awarding
5 compensation and expense reimbursements to trustees and other professionals
6 in chapter 7 cases;

7
8 11. Orders approving chapter 12 and 13 trustee final reports and accounts after
9 notice affording opportunity to be heard and no request for hearing or objection
10 having been filed;

11
12 12. Final decrees, and orders closing chapter 7, 12 and 13 cases and discharging
13 trustees after notice affording opportunity to be heard and no request for hearing
14 or objection having been filed;

15
16 13. Except with respect to priority claims, orders substituting the transferee for the
17 original claimant on a proof of claim pursuant to the Federal Rules of Bankruptcy
18 Procedure;

19
20 14. Orders presented by or approved with a signature by the Chapter 13 Standing
21 Trustee ordering or releasing the debtor or any entity from whom the debtor
22 receives income to pay all or part of such income to the trustee;

23
24 15. Orders dismissing bankruptcy cases for failure to file missing documents after
25 notice affording the debtors an opportunity to file the missing documents, a
26 motion for extension of time, or a notice of hearing on the Court's Notice of
27 Intent to Dismiss Case, and all missing documents, a motion to extend time, or
28 a notice of hearing not having been timely filed. If the debtor files a motion to

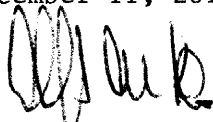
1 extend time or a notice of hearing and later fails to file all missing documents
2 within the time specified in the Judge's order, the Clerk will dismiss the case; and
3

4 16. Orders setting hearings on reaffirmation agreements.

5
6 17. Orders transferring cases after conversion from chapter 7 to 13 and chapter 13
7 to 7 in Modesto cases, and from chapter 7 to 13 in San Joaquin county cases.
8

9 **IT IS FURTHER ORDERED** that, in the interest of justice, a judge may suspend or
10 withdraw the Clerk's and deputy clerks' authority to sign the foregoing orders at any time, on
11 the judge's own motion, and regulate practice in accordance with the judge's direction.
12

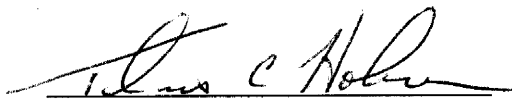
13 DATED: December 11, 2014

14 

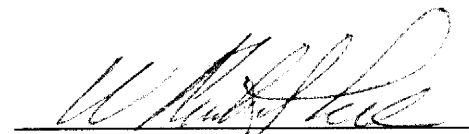
15 _____
16 Christopher M. Klein
17 Chief Bankruptcy Judge

14 

15 _____
16 Michael S. McManus
17 Bankruptcy Judge

17 

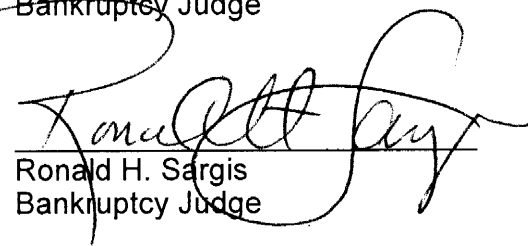
18 _____
19 Thomas C. Holman
20 Bankruptcy Judge

17 

18 _____
19 W. Richard Lee
20 Bankruptcy Judge

21 

22 _____
23 Robert S. Bardwil
24 Bankruptcy Judge

21 

22 _____
23 Ronald H. Sargis
24 Bankruptcy Judge

23 

24 _____
25 Fredrick E. Clement
26 Bankruptcy Judge
27
28