

1 UNITED STATES BANKRUPTCY COURT
2 EASTERN DISTRICT OF CALIFORNIA
3

FILED
08/10/12
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

4 In re

5 Delegation of Authority to the Clerk of
6 the Bankruptcy Court and his Deputies
7

)
) General Order 12-02
)
)

8 **IT IS ORDERED** that General Order 11-04 dated January 18, 2012, is hereby
9 abrogated.

10 **IT IS FURTHER ORDERED** that Wayne Blackwelder, the duly appointed Clerk of
11 the U.S. Bankruptcy Court for the Eastern District of California, and his deputies shall have
12 the same rights and powers, shall perform the same functions and duties, and shall be
13 subject to the same provisions of Title 28, United States Code, as a clerk and other
14 employees appointed under 28 U.S.C. § 751. Pursuant to the provisions of 28 U.S.C. §
15 956, 11 U.S.C. § 105, and the Federal Rules of Bankruptcy Procedure, the clerk and such
16 deputies as he may designate are authorized to sign and enter without further direction the
17 following orders which are deemed to be of a ministerial, nondiscretionary, nonjudicial,
18 and/or administrative nature:
19

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

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

1 United States under 28 U.S.C. § 1930(b) that is payable to the Clerk upon
2 the commencement of a case under the Bankruptcy Code, or a motion to
3 extend time to pay the fee after the Clerk has sent the debtor a notice of the
4 deficiency and an opportunity to file a motion to extend time. If the debtor
5 files a motion to extend time to pay the fee and the debtor fails to pay the fee
6 within the time specified in the Judge's order, the Clerk will close the case
7 without entry of a discharge;

8
9 8. Orders closing chapter 13 bankruptcy cases without entry of a discharge
10 when the debtor(s) fail(s) to certify that (A) the debtor has not received a
11 prior bankruptcy discharge within the time periods specified in 11 U.S.C. §
12 1328(f), (B) the debtor has paid all domestic support obligations, or (C) the
13 debtor does not owe debts of the type described in 11 U.S.C. § 522(q) while
14 claiming exemptions in real property, personal property, or a cooperative
15 used as a residence or claimed as a homestead, or in a burial plot that
16 exceed in the aggregate \$146,450.00, or that such exemptions in excess of
17 \$146,450.00 are reasonably necessary for the support of the debtor or the
18 debtor's dependents after the Trustee has sent the debtor a notice of
19 completed plan payments and of the obligation to file documents
20 demonstrating eligibility for discharge. If the debtor fails to file the
21 documents or the filed documents fail to demonstrate eligibility for discharge,
22 the Clerk will close the case without entry of discharge;

23
24 9. Orders reopening cases pursuant to 11 U.S.C. § 350(b) where the stated
25 purpose of reopening is to file a motion to avoid lien, to file a complaint to
26 obtain a determination of the discharge status of a debt under Federal Rule
27 of Bankruptcy Procedure 4007(b), to file a motion to seal, strike or restrict
28 public access to documents filed in a case, file a statement of completion of

1 a course concerning personal financial management (Official Form 23) and
2 obtain a discharge when the case was closed without a discharge having
3 been entered and the debtor is not also requesting a waiver of the fee to
4 reopen the case or to pay fees as per FRBP 4004(c)(1)(G);
5

6 10. After Court approval of all amounts awarded therein, orders awarding
7 compensation and expense reimbursements to trustees and other
8 professionals in chapter 7 cases;
9

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

14 12. Final decrees, and orders closing cases and discharging trustees after notice
15 affording opportunity to be heard and no request for hearing or objection
16 having been filed;
17

18 13. Except with respect to priority claims, orders substituting the transferee for
19 the original claimant on a proof of claim pursuant to the Federal Rules of
20 Bankruptcy Procedure;
21

22 14. Orders presented by or approved with a signature by the Chapter 13
23 Standing Trustee ordering or releasing the debtor or any entity from whom
24 the debtor receives income to pay all or part of such income to the trustee;
25

26 15. Orders dismissing bankruptcy cases for failure to file missing documents
27 after notice affording the debtors an opportunity to file the missing
28 documents, a motion for extension of time, or a notice of hearing on the

1 Court's Notice of Intent to Dismiss Case, and all missing documents, a
2 motion to extend time, or a notice of hearing not having been timely filed. If
3 the debtor files a motion to extend time or a notice of hearing and later fails
4 to file all missing documents within the time specified in the Judge's order,
5 the Clerk will dismiss the case; and
6

7 16. Orders setting hearings on reaffirmation agreements.
8

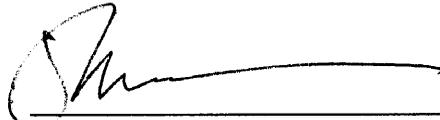
9 **IT IS FURTHER ORDERED** that, in the interest of justice, a judge may suspend or
10 withdraw the Clerk's and deputy clerks' authority to sign the foregoing orders at any time,
11 on the judge's own motion, and regulate practice in accordance with the judge's direction.
12

13 **AUG 10 2012**

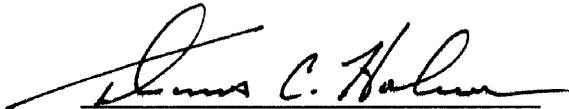
DATED:

14 

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16 Christopher M. Klein
17 Chief Bankruptcy Judge

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19 Michael S. McManus
20 Bankruptcy Judge

21 

22 Thomas C. Holman
23 Bankruptcy Judge

24 

25 W. Richard Lee
26 Bankruptcy Judge

27 

28 Robert S. Bardwil
Bankruptcy Judge



Ronald H. Sargis
Bankruptcy Judge



Frederick E. Clement
Bankruptcy Judge