

THIS IS A REPLICA OF THE FILED DOCUMENT
PROVIDED IN TEXT SEARCHABLE FORMAT.
THE ORIGINAL IS AVAILABLE ON PACER.

UNITED STATES BANKRUPTCY COURT EASTERN
DISTRICT OF CALIFORNIA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FOR PUBLICATION

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

In re:) Misc. File No. 19-202
Named Involuntary Petitioner)
STEVEN WAYNE BONILLA)
_____)

**ORDER TO OPEN A BANKRUPTCY FILE FOR STEVEN WAYNE BONILLA,
ASSIGNMENT OF MISCELLANEOUS FILE NUMBER
AND
SCHEDULING OF SUPPLEMENTAL PLEADINGS TO BE FILED BY MR. BONILLA**

Steven Wayne Bonilla, whose address is stated to be J-48500, 3-EY-13, San Quentin, California, has delivered to the court ninety-one (91) Official Bankruptcy Form 105 Involuntary Bankruptcy Petitions (“Form 105”). Each Form 105 names a different person (with the exception of several apparent duplicate Form 105s) as the person to be the bankruptcy debtor (“Form 105 Subject”) in an involuntary bankruptcy case that Mr. Bonilla seeks to commence. From the addresses provided by Mr. Bonilla on each Form 105, the court has identified the various Form 105 Subjects to be either a United States District Court Judge, United States Magistrate Judge, a California Court of Appeal Justice, California Superior Court Judge, or a person working at a California Superior Court, District Court of Appeal, or U.S. District Court.

The court has been notified that Mr. Bonilla has filed Form 105s naming federal and state court judges and staff as the Form 105 Subjects in the Northern, Central, and Southern Federal Districts of California. Those Form 105s in the other Federal Districts are the subject of separate orders issued by the Chief Bankruptcy Judges in those Districts. It appears that the total number of

1 Form 105s filed in the four Federal Districts in California are in excess of two hundred and twenty-
2 five (225) in number.

3 The Order of the Chief Bankruptcy Judge in the Central District of California provides some
4 additional information concerning Mr. Bonilla and his court filing history. In the Central District of
5 California, Mr. Bonilla has been determined to be a “vexatious litigant” and an order has been
6 entered in that District that no *pro se* petition or other document can be filed by the Clerk of the Court
7 without there being a pre-filing review of the documents sought to be filed and the filing authorized
8 by the federal judge (“Central District Vex Order”). *In re Bonilla*, CV-18-7603-DMG (JPR), 2018
9 WL 5787128, at *6 (C.D. Cal. 2018). The Central District Vex Order addresses a series of forty-four
10 (44) petitions filed by Mr. Bonilla in the Central District of California seeking a review by that federal
11 court of his state court murder conviction. *Id.* at *1. The Central District Vex Order cites to a prior
12 order transferring one of the petitions to the Northern District of California, the Federal District in
13 which San Quentin Prison is located, and includes the following statement concerning Mr. Bonilla’s
14 court filing practices:

15 As noted, Bonilla was convicted in Alameda County (*see id.* (noting, “Re: Alameda
16 County Superior Court Case No. H-12210-A”)); see also *Bonilla v. Davis*, No.
17 08-CV-471-YGR, 2015 U.S. Dist. LEXIS 88254, at *1 (N.D. Cal. July 7, 2015), and
18 is housed at San Quentin in Marin County (see No. 5536, ECF No. 1 at 1 (listing
19 address)). In an order transferring the Petition to the Northern District, in which both
20 of those counties lie, see 28 U.S.C. § 84(a), this Court noted that Bonilla was a
21 “profligate filer” of “hundreds of lawsuits and habeas petitions throughout the Ninth
22 Circuit in the past several years.” (No. 5536, ECF No. 3 at 1-2.) . . .

20 Despite the Court's detailed explanation about its lack of jurisdiction, Bonilla
21 subsequently filed 43 additional case-initiating documents in this District, all
22 challenging his state murder conviction, and 24 of those cases have since been
23 terminated. He currently has 19 cases pending in this Court, all filed from August to
24 October of this year . . . On September 10, 2018, this Court issued an Order to Show
25 Cause Why Plaintiff Should Not Be Declared a Vexatious Litigant. Since then,
26 Bonilla has filed responses in each of the cases listed in the Order (*see infra sec.*
27 II.B.1) and numerous new case-initiating documents as well.

24 Each response to the Order to Show Cause contains the same baseless argument that
25 “any judgment, order, or transfer by a court lacking subject matter jurisdiction is void
26 on its face; and the [r]eviewing [c]ourt's jurisdiction is LIMITED to reversing the trial
27 court's void judgment.” (*See, e.g., Bonilla v. Unknown*, No. 18-CV-7603-DMG (JPR)
28 (C.D. Cal. filed Aug. 30, 2018), ECF No. 5 at 1; *Bonilla v. Unknown*, No.
18-CV-7606-DMG (JPR) (C.D. Cal. filed Aug. 30, 2018), ECF No. 5 at 1.) This same
argument is made in many of his initial complaints. (*See, e.g., Compl.* at 1-3, *Bonilla*
v. Rosenbluth, No. 18-CV-7696-DMG (JPR) (C.D. Cal. filed Sept. 5, 2018), ECF
No. 1 (noting that “this has []nothing to do with prison issues, conditions nor

1 confinement[] . . . the judgment is void on its face . . . [n]o lawful jurisdiction of
2 subject matter nor of person was, nor has been established on the record”).) Neither
3 Bonilla's responses to the Order to Show Cause nor the new case-initiating documents
provide any persuasive or legitimate reason why he should not be deemed a vexatious
litigant. To the contrary, they demonstrate why such an order is necessary.

4 *Id.*, *1-*2.

5
6 **FEDERAL LAW GOVERNING COMMENCEMENT
OF AN INVOLUNTARY BANKRUPTCY CASE**

7 Official Bankruptcy Form 105 has been adopted to be the required form for which creditors
8 of a person may commence an involuntary bankruptcy case against such person. Congress has
9 enacted as part of the Bankruptcy Code the statutory basis and requirements for commencing an
10 involuntary bankruptcy case. 11 U.S.C. § 303. As stated in COLLIER ON BANKRUPTCY, Sixteenth
11 Edition, ¶ 303.01,

12 Filing an involuntary petition may have serious consequences for a debtor,
13 nonpetitioning creditors and petitioning creditors. Therefore, it is not surprising that
14 section 303 [11 U.S.C. § 303] is replete with details regarding involuntary filings,
many of which safeguard against frivolous or malicious filings.

15 These consequences are much more significant and serious than the “mere” filing of a complaint
16 against some, causing the target of the involuntary petitions rights and interests to be immediately
17 effected without the opportunity for prior hearing. *Id.* While Congress determined that such
18 immediate consequences are warranted, the commencement of such a case in the court is subject to
19 close review.¹

20
21 ¹ An involuntary bankruptcy case is “commenced” by the filing of the involuntary
22 petition. Some of the consequences of a bankruptcy case being commenced include: (1) creation
23 of the automatic stay pursuant to 11 U.S.C. § 362(a) working as an injunction against the
24 petitioning creditors and other third-parties of any act or actions against the person for whom the
25 case has been commenced (and subjecting such third-parties to being held in contempt for such
26 violations); (2) the automatic stay rendering void acts, actions, and transfers involving such third-
parties; (3) imposition pursuant to 11 U.S.C. § 363 of restrictions, limitations, and statutory
requirements for the use, sale, lease, or transfer of any property of the bankruptcy estate; and
27 (4) creation of a bankruptcy estate pursuant to 11 U.S.C. § 541 that consists of all of the real and
28 personal property of the person put into the involuntary bankruptcy case.

If such events are to be put in motion, *ex parte*, without notice or opportunity of the target
of the involuntary bankruptcy petition to address until after the fact, it is not unreasonable that

1 As specified in 11 U.S.C. § 303(a) an involuntary bankruptcy case can be commenced only
2 under Chapters 7 or 11 of the Bankruptcy Code. Here, the ninety-one (91) Form 105s have checked
3 the box for an involuntary Chapter 7 bankruptcy case. Such a case is for the liquidation of the assets
4 of the person who is placed in the involuntary bankruptcy case.

5 The fundamental requirements for an involuntary bankruptcy case to be commenced are
6 specified in 11 U.S.C. § 303(b) and are summarized as follows:

7 An involuntary case against a person is commenced by the filing with the bankruptcy
8 court of a petition under chapter 7 or 11 of this title –

9 (1) There must be at least three or more entities, each of which is either:

10 (a) a holder of a claim against such person that is not contingent as to liability
11 or the subject of a bona fide dispute as to liability or amount, or an indenture
12 trustee representing such a holder,

13 and

14 (b) if such noncontingent, undisputed claims aggregate at least \$ 16,750 more
15 than the value of any lien on property of the debtor securing such claims held
16 by the holders of such claims;

17 or

18 (2) if there are fewer than 12 such holders of claims or, excluding any employee or
19 insider of such person and any transferee of a transfer that is voidable under section
20 544, 545, 547, 548, 549, or 724(a) of the Bankruptcy Code, by one or more of such
21 holders that hold in the aggregate at least \$ 16,750 of such claims;

22 Thus, for the involuntary case to be commenced, the court has to be presented with the involuntary
23 petition that appears to meet the above conditions.

24 As discussed in COLLIER ON BANKRUPTCY, for there to be an involuntary bankruptcy petition
25 filed and case commenced, the persons seeking the commencement of such involuntary case must be
26 creditors holding “claims” (obligations) owed by the person whom they seek to put into bankruptcy.
27 COLLIER ON BANKRUPTCY, SIXTEENTH EDITION, ¶ 303.09. While the term “claim” is broadly defined
28 in 11 U.S.C. § 101(5), it must be based on a right to payment that is not contingent or subject to *bona*
fide dispute as to liability or amount. 11 U.S.C. § 303(b)(1).

the Official Bankruptcy Form 105 documents appear to show that grounds exist for, and the
person seeking to file the involuntary bankruptcy petition has standing to commence such federal
case, such extraordinary relief/legal consequences.

1 In discussing the requirement for there to be claims not in *bona fide* dispute, COLLIER ON
2 BANKRUPTCY discusses the unique, and potentially abusive, impact of the involuntary case filing,
3 and how it can be used abusively by someone not entitled to seek such relief. *Id.* ¶ 303.11.²

4 As part of the Federal Rules of Bankruptcy Procedure adopted by the Supreme Court, Federal
5 Rule of Bankruptcy Procedure 9011 requires and places on a party seeking to file any document with
6 the court, in pertinent part, that:

7 [a] petition, pleading, written motion, or other paper, an attorney or unrepresented
8 party is certifying that to the best of the person's knowledge, information, and belief,
formed after an inquiry reasonable under the circumstances,--

9 (1) it is not being presented for any improper purpose, such as to harass or to cause
10 unnecessary delay or needless increase in the cost of litigation;

11 (2) the claims, defenses, and other legal contentions therein are warranted by existing
12 law or by a nonfrivolous argument for the extension, modification, or reversal of
existing law or the establishment of new law;

13 (3) the allegations and other factual contentions have evidentiary support or, if
14 specifically so identified, are likely to have evidentiary support after a reasonable
opportunity for further investigation or discovery; and

15 (4) the denials of factual contentions are warranted on the evidence or, if specifically
so identified, are reasonably based on a lack of information or belief.

16 Fed. R. Bankr. P. 9011.

17 As addressed by the United States Supreme Court, the federal judicial process is not a GIGO
18 (garbage in-garbage out) system. In *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 130
19 S. Ct. 1367, 1381 n.14, 176 L. Ed. 2d 158, 173 n.14, 15 (2010), the Supreme Court directed the trial
20 court that even when there was no opposition, the court must conclude that based on the law and
21 evidence presented that the relief requested was permissible under applicable law. *See also Varela*
22 *v. Dynamic Brokers, Inc. (In re Dynamic Brokers, Inc.)*, 293 B.R. 489, 499 (B.A.P. 9th Cir. 2003)

24
25 ² The bankruptcy court in *In re William M. Risby, Petitioner*, 2008 WL 116701 (Bankr.
26 W.D. Ark. 2008), provides a detailed discussion of the serious effect of the mere filing of an
27 involuntary petition and the potential for misuse and abuse. The court incorporates in by this
28 reference that very detailed discussion, rather than merely paraphrasing that decision. That
discussion includes consideration of whether there appears to facially be a potential *bona fide*
dispute as to the claim stated by the person seeking to commence the involuntary bankruptcy
case.

1 (citing *Everett v. Perez (In re Perez)*, 30 F.3d 1209, 1213 (9th Cir. 1994)).

2 **Federal Law Regarding Prisoner Actions**

3 The court’s review of the ninety-one (91) Form 105s is not a unique process. Congress
4 provides in 28 U.S.C. § 1915A(a) that before docketing the court is to review a “complaint in a civil
5 action in which a prisoner seeks redress from a governmental entity or officer or employee of a
6 governmental entity.” The court is to review the complaint and dismiss the complaint, or any portion
7 thereof, that is determined to be “frivolous, malicious, or fails to state a claim upon which relief may
8 be granted,” or “seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C.
9 § 1915A(b). The statute defines “prisoner” to include “any person incarcerated or detained in any
10 facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of
11 criminal law. . . .” 28 U.S.C. § 1915A(c).

12 While a Form 105 is not a “complaint,” as discussed above, the automatic, self-executing
13 results by operations of law are of greater impact than a “mere” complaint.

14 Another analogy to which the filing of a Form 105 and commencing an involuntary
15 bankruptcy case can be drawn is that of a temporary restraining order that is obtained *ex parte* and
16 without notice to person against whom the injunctive relief is sought. To obtain such extraordinary
17 relief one must “clearly show that immediate and irreparable injury, loss, or damage will result before
18 the adverse party can be heard in opposition. . . .” Fed. R. Civ. P. 65(b). Further, to obtain such *ex*
19 *parte*, no notice relief, the requesting party must give security (commonly a bond) in an amount the
20 court determines proper to pay costs and damages sustained by the other party if the injunctive relief
21 is determined to be wrongful. Fed. R. Civ. P. 65(c).

22 The bankruptcy court reviewing the Form 105s to see if they facially show the basic grounds
23 for the petitioning creditor to have standing and to comply with the requirements of 11 U.S.C. § 303
24 is not inconsistent with this other well established federal law.

25
26 **REVIEW OF FORM 105s DELIVERED BY MR. BONILLA
TO THE EASTERN DISTRICT OF CALIFORNIA**

27 With the exception of the Form 105 Subject’s name and address being different, each of the
28 ninety-one (91) Form 105s are the same. Each seeks to have the Form 105 Subject put into an

1 involuntary Chapter 7 bankruptcy liquidation.

2 On each of the Form 105s, Mr. Bonilla does not state that the debts of the Form 105 Subject
3 are either primarily consumer or business debts. Interlineated on each of the Form 105s is the phrase,
4 “STATUTORY LIEN - 633 F.2d 844.”

5 The federal case citation stated on the Form 105s is to a Ninth Circuit Court of Appeals
6 decision, *Rankin v. Howard*, 633 F.2d 844 (9th Cir. 1980). In *Rankin*, the Ninth Circuit discussed
7 the judicial immunity given for alleged violations of 42 U.S.C. § 1983 (alleged civil rights violations)
8 for judicial acts not taken “in the ‘clear absence of all jurisdiction.’” *Rankin v. Howard*, 633 F.2d at
9 846. For the state court judge whose conduct was at issue in *Rankin*, the court considered whether
10 the state court judge had jurisdiction over the person that was the subject of that court’s order and
11 whether the act was one “normally performed by a judge.” *Id.* at 847. The Ninth Circuit panel in
12 *Rankin* concluded that since the state court judge knew that he had no personal jurisdiction over the
13 subject of his order, then he could not claim judicial immunity. The *Rankin* decision acknowledges
14 the broad grant of judicial immunity that exists as discussed by the United States Supreme Court in
15 *Stump v. Sparkman*, 435 U.S. 349 (1978), which states:

16 The governing principle of law is well established and is not questioned by the parties.
17 As early as 1872, the Court recognized that it was "a general principle of the highest
18 importance to the proper administration of justice that a judicial officer, in exercising
19 the authority vested in him, [should] be free to act upon his own convictions,
20 apprehension of personal consequences to himself." *Bradley v. Fisher, supra*, at 347.
21 For that reason the Court held that "judges of courts of superior or general jurisdiction
22 are not liable to civil actions for their judicial acts, even when such acts are in excess
23 of their jurisdiction, and are alleged to have been done maliciously or corruptly."
24 13 Wall., at 351. Later we held that this doctrine of judicial immunity was applicable
25 in suits under § 1 of the Civil Rights Act of 1871, 42 U.S.C. § 1983, for the legislative
26 record gave no indication that Congress intended to abolish this long-established
27 principle. *Pierson v. Ray*, 386 U.S. 547 (1967).

23 *Stump v. Sparkman*, 435 U.S. 349, 355-356 (1978).

24 It appears that the case citation included by Mr. Bonilla stands for the proposition that the
25 various judicial officers listed on the Form 105s would have a *bona fide* (though possibly disputed
26 by Mr. Bonilla) defense as there is the issue of judicial immunity identified by Mr. Bonilla.

27 The Form 105s identifies the “debt” as the basis for Mr. Bonilla filing the Form 105s as being
28 an “obligation.” No other information is provided other than Mr. Bonilla stating that the “Obligation”

1 is Three Hundred and Two Billion, Five Hundred and Nineteen Million, Five Hundred and Two
2 Thousand, and Nine Hundred and Thirteen Dollars and Eighty-Five Cents (\$302,519,502,913.85) on
3 each of the Form 105s.

4 It is not clear whether it is asserted that the \$302,519,502,913.85 Obligation stated is joint and
5 several liability of all the Form 105 Subjects or that each of the ninety-one (91) Form 105 Subjects
6 in the Eastern District of California and the total amount asserted is that multiple of the
7 \$302,519,502,913.85.

8 The amount of the obligation (whether joint and several liability or multiple separate
9 liabilities) raises serious questions and puts in the spotlight whether it is an actual liability and not
10 something subject to *bona fide* dispute. To put the asserted Three Hundred and Two Billion, Five
11 Hundred and Nineteen Million, Five Hundred and Two Thousand, and Nine Hundred and Thirteen
12 Dollars and Eighty-Five Cents (\$302,519,502,913.85) in economic context, the total debts owed to
13 all of its creditors (including asserted fire victims) listed by Pacific Gas and Electric Company
14 (“PG&E”) on the attachment to its bankruptcy petition in its current bankruptcy case pending in the
15 Northern District of California is Fifty One Billion, Four Hundred Eleven Million Dollars
16 (\$51,411,000,000.00) – which is a mere 16% of the obligation that Mr. Bonilla lists as being owed
17 to him only. Bankr. N.D. Cal. 19-30089; Dckt. 1 at 5.

18 On their faces, the Form 105s demonstrate that Mr. Bonilla is not presenting the court with
19 documents which may properly be filed as involuntary bankruptcy petitions. Rather, on their face
20 they create substantial doubt whether Mr. Bonilla qualifies as one to file one or more involuntary
21 bankruptcy cases against the Form 105 Subjects and, to the extent he asserts an obligation, and based
22 on the citation to the Ninth Circuit Decision in *Rankin*, that a *bona fide* dispute is indicated.

23
24 **STANDING TO COMMENCE AN
INVOLUNTARY BANKRUPTCY CASE**

25 The federal courts are not a forum for the theoretical or one in which parties who do not have
26 rights attempt to litigate on behalf of others who are not before the court (with limited exceptions to
27 this rule, such as class action and other special representative proceedings authorized by Congress).
28 Standing must be determined to exist before the court can proceed with the case. *Sacks v. Office of*

1 *Foreign Assets Control*, 466 F.3d 764, 771. (9th Cir. 2006)

2 One of the first things that a law student learns about American Jurisprudence is that the law
3 does not condone the “officious intermeddler.” One is not allowed to assert claims or rights in which
4 he or she has no interest. In the federal courts, this is the Constitutional requirement of “standing.”

5 Article III of the Constitution confines federal courts to decisions of “Cases” or
6 “Controversies.” Standing to sue or defend is an aspect of the case-or-controversy
7 requirement. (Citations omitted.) To qualify as a party with standing to litigate, a
8 person must show, first and foremost, “an invasion of a legally protected interest” that
9 is “concrete and particularized” and “actual or imminent.” (Citations
omitted.)...Standing to defend on appeal in the place of an original defendant, no less
than standing to sue, demands that the litigant possess ‘a direct state in the outcome.’
(Citations omitted.)

10 *Arizonans for Official English v. Arizona*, 520 U.S. 43, 64, 117 S.Ct. 1055 (1997).

11 The court may raise the issue of standing *sua sponte*, Rule 12(h)(3), Federal Rules of Civil
12 Procedure³ even if it is not raised by a party to the action. A person must have a legally protected
13 interest, for which there is a direct stake in the outcome. *Arizonans for Official English v. Arizona*,
14 520 U.S. 43, 64, 117 S.Ct. 1055 (1997). The Supreme Court provided a detailed explanation of the
15 Constitutional case in controversy requirement in *Northeastern Florida Chapter of Associated
16 General Contractors of America v. City of Jacksonville Florida*, 508 U.S. 656, 663, 113 S.Ct. 2297
17 (1993). The party seeking to invoke federal court jurisdiction must demonstrate (1) injury in fact, not
18 merely conjectural or hypothetical injury, (2) a causal relationship between the injury and the
19 challenged conduct, and (3) the prospect of obtaining relief from the injury as a result of a favorable
20 ruling is not too speculative. *Id.* In determining whether the plaintiff has the requisite standing and
21 the court has jurisdiction, the court may consider extrinsic evidence. *Roverts v. Corrothers*, 812 F.2d,
22 1173, 1177 9th Cir. 1987).

23 The standing requirement is not merely a “procedural issue,” but a fundamental requirement
24 arising under the Constitution.

25 Here, with the deficiencies in the information provided in the Form 105s, especially in light
26

27 ³ As made applicable to this Adversary Proceeding by Federal Rules of Bankruptcy
28 Procedure 7012 and 9014(c) by this Order.

1 of the *ex parte*, without an opportunity to defend or address prior to the involuntary case being
2 commenced, significant impact and potential harm on a Form 105 Subject with the commencement
3 of an involuntary bankruptcy case, the identification of standing is even more significant.

4
5 **MISCELLANEOUS FILE FOR THE FORM 105s**
6 **AND AFFORDING MR. BONILLA ACCESS TO THE COURT**

7 Though the documents delivered by Mr. Bonilla raise significant doubts whether they should
8 be filed, the court instructs the Clerk of the Court to open a bankruptcy court file for Mr. Bonilla,
9 which shall be assigned a miscellaneous file number so as to not make it appear that Mr. Bonilla has
10 filed a bankruptcy case personally (“Miscellaneous File”). All of the Form 105s delivered by
11 Mr. Bonilla to date and in the future will be docketed in the Miscellaneous File opened for
12 Mr. Bonilla.

13 Mr. Bonilla may file supplemental pleadings to addresses his standing to file an involuntary
14 bankruptcy petition for each of the Form 105 Subjects, and other subjects of future Form 105s
15 delivered to the court by Mr. Bonilla. The supplemental pleadings, which shall be supported by
16 competent admissible evidences as provided under the Federal Rules of Evidence, shall include:

- 17 A. A statement of the legal and factual basis for the obligation asserted by Mr. Bonilla
18 against each of the Form 105 Subjects against whom Mr. Bonilla is seeking to file an
19 involuntary bankruptcy case. This shall include any applicable law upon which such
20 obligation is asserted to exist.
- 21 B. Copies of the documents or other writings upon which Mr. Bonilla asserts that the
22 obligation exists.
- 23 C. Such other documents and information Mr. Bonilla determines would be in support
24 of his standing to file an involuntary petition.

25 In establishing the Miscellaneous File for Mr. Bonilla, the court ensures that there is a clear
26 record of the involuntary bankruptcy cases he is attempting to have commenced. The court is also
27 creating a vehicle for Mr. Bonilla to access the court and address the issues that arise given the
28 amount of the asserted obligation(s), the legal authority he has cited, the potential *bona fide* defenses
he has identified, and the lack of information about the basis for such obligation(s).

Due to the limited information provided in the ninety-one (91) Form 105s, Mr. Bonilla should
not assume that the issues identified in this Order are the universe of all possible issues that may arise

1 in an involuntary bankruptcy case. If such additional issues are identified, Mr. Bonilla will be
2 afforded the opportunity to address such issues, as he is now afforded the opportunity to address the
3 initially identified issues.

4 **Required Filing Fees**

5 The filing fee required to be paid when commencing a Chapter 7 bankruptcy case is specified
6 in 28 U.S.C. § 1930(a)(1)(A), plus administrative fees, to currently be \$335.00. For a person filing
7 a voluntary Chapter 7 case, the filing fee may be paid in installments. 28 U.S.C. § 1930(a)(7). The
8 Judicial Conference of the United States is permitted to authorize the waiving of the filing fee in a
9 Chapter 7 case for an individual based on the specified financial guidelines.

10 Federal Rule of Bankruptcy Procedure 1006 amplifies the requirement for the payment of a
11 filing fee when an involuntary bankruptcy petition is received by the court, providing that with respect
12 to the waiver of the Chapter 7 filing fee:

13 (a) General requirement

14 **Every petition shall be accompanied by the filing fee** except as provided in
15 subdivisions (b) and (c) of this rule. For the purpose of this rule, “filing fee”
16 means the filing fee prescribed by 28 U.S.C. § 1930(a)(1)-(a)(5) and any other
17 fee prescribed by the Judicial Conference of the United States under 28 U.S.C.
18 § 1930(b) that is payable to the clerk upon the commencement of a case under
19 the Code.

20 (b) Payment of filing fee in installments

21 (1) Application to pay filing fee in installments

22 **A voluntary petition by an individual** shall be accepted for filing, regardless
23 of whether any portion of the filing fee is paid, if **accompanied by the**
24 **debtor's signed application**, prepared as prescribed by the appropriate
25 Official Form, stating that the debtor is unable to pay the filing fee except in
26 installments.

27 ...

28 (c) Waiver of filing fee

A voluntary chapter 7 petition filed by an individual shall be accepted for
filing **if accompanied by the debtor's application** requesting a waiver under
28 U.S.C. § 1930(f), prepared as prescribed by the appropriate Official Form.

29 Fed. R. Bankr. P. 1006 (emphasis added).

30 As discussed in 1 Collier Practice Guide, ¶ 14.14, citing to 28 U.S.C. § 1930 and Federal Rule
31 of Bankruptcy Procedure 1006, the requirement for the payment of filing fees for an involuntary
32

1 bankruptcy case when the involuntary petition (the Form 105s at issue before the court) is presented
2 to the court for filing:

3 [4] Filing Fees—28 U.S.C. § 1930

4 Filing fees must be paid in full to the clerk of the bankruptcy court for all involuntary
5 cases. Installment payments are not permitted. . . .

6 With the ninety-one (91) Form 105s, Mr. Bonilla included a request with respect to the filing
7 fees, stating, “Please send me a waiver form for any filing fee.” The filing fee waiver only applies
8 to an individual filing a voluntary Chapter 7 bankruptcy case - not someone seeking to file a Form
9 105 involuntary bankruptcy petition.

10 In addition to supplemental pleadings provided by Mr. Bonilla to show he has standing and
11 meets the necessary requirements for filing an involuntary bankruptcy petition, Mr. Bonilla will have
12 to provide the court with the filing fee for each involuntary petition or provide a legal basis why such
13 is not required.

14 **ORDER**

15 The court having reviewed the ninety-one (91) Form 105s (Official Bankruptcy Form 105,
16 involuntary bankruptcy petition) delivered to the court by Steven Wayne Bonilla, the information
17 provided in the Forms 105s, consideration of the Constitutional requirement for standing and the
18 necessary conditions for a person to file an involuntary bankruptcy petition, the filing fees required
19 pursuant to 28 U.S.C. § 1930 and Federal Rule of Bankruptcy Procedure 9006 for the filing of an
20 involuntary Chapter 7 bankruptcy petition, and good cause appearing;

21 **IT IS ORDERED** that the Clerk of the Court shall open Miscellaneous File No. 19-00202
22 for Steven Wayne Bonilla, the Involuntary Petitioner, and place as separate docket entries therein each
23 of the ninety-one (91) Official Bankruptcy Form 105 involuntary bankruptcy petitions delivered to
24 the court by Mr. Bonilla, and related documents presented to the court at the time of this Order and
25 any time thereafter unless otherwise provided by subsequent order.

26 Each Form 105 presented to the Clerk for filing by Mr. Bonilla shall be a separate docket entry
27 item in the Miscellaneous File. For the ninety-one (91) Form 105s delivered to the court at the time
28 the Miscellaneous File for Steven Wayne Bonilla was opened, the Clerk of the Court shall place them

1 on the docket in the order set forth in the List of Form 105s in the court's separate docketing
2 instruction issued in conjunction with this Order.

3 If future Form 105s are presented by Mr. Bonilla to the court, they will be docketed in the
4 Miscellaneous File when received, as the next open docket entry.

5 **IT IS FURTHER ORDERED** that within thirty (30 days) of the date of this Order, Wayne
6 Steven Bonilla shall file Supplemental Pleadings, if any are so desired by him, to addresses his
7 standing to file an involuntary bankruptcy petition for each of the Form 105 Subjects, and other
8 subjects of future Form 105s delivered to the court by Mr. Bonilla. The supplemental pleadings,
9 which shall be supported by competent, admissible evidences as provided under the Federal Rules
10 of Evidence, shall include:

- 11 A. A written statement of the legal and factual basis for the obligation asserted by
12 Mr. Bonilla against each of the Form 105 Subjects. This shall include any applicable
13 law upon which such obligation is asserted to exist.
- 14 B. The above written statement shall include the legal and factual basis by which
15 Mr. Bonilla asserts he has standing to file the Form 105s against each Form 105
16 Subject.
- 17 C. Copies of the documents or other writings upon which Mr. Bonilla asserts that the
18 obligation is based.
- 19 D. Such other documents and information Mr. Bonilla determines would be in support
20 of his standing to file an involuntary petition with the court.

21 **IT IS FURTHER ORDERED** that Mr. Bonilla will pay to the court at the time any
22 involuntary Chapter 7 petition (Official Bankruptcy Form 105) the filing fee for each such involuntary
23 petition to be filed or provide the court with a legal basis why such is not required. Such legal basis
24 may be presented with the Supplemental Pleadings specified above.

25 **IT IS FURTHER ORDERED** that if no Supplemental Pleadings are timely filed, the Clerk
26 of the court may close this Miscellaneous File.

27 **IT IS FURTHER ORDERED** that notwithstanding the closing of the Miscellaneous File,
28 the Clerk of the Court shall docket any additional Form 105s and file any subsequent documents
delivered to the court by Steven Wayne Bonilla in the Miscellaneous File without reopening the file
or Mr. Bonilla requesting the reopening of the Miscellaneous File.

Upon the filing of any additional pleadings or documents in the Miscellaneous File after the

1 ninety-one (91) Form 105s and the transmittal cover letters with them at the time the Miscellaneous
2 File is opened, the Clerk of the Court shall notify the undersigned judge to whom the Miscellaneous
3 file is assigned that additional pleadings or documents have been docketed or filed, the docket entry
4 number for each such item, and the docket description for each such additional pleading or document.

5 Dated: June 18, 2019

6 /s/

7 _____
RONALD H. SARGIS, Chief Judge
8 United States Bankruptcy Court
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2

Instructions to Clerk of Court

Service List - Not Part of Order/Judgment

3 **The Clerk of Court is instructed to** send the Order/Judgment or other court generated document
transmitted herewith *to the parties below*. The Clerk of Court will send the document via the
4 BNC or, if checked XXXX, via the U.S. mail.

5
6 Steven Wayne Bonilla
J-48500, 3-EY-13
7 San Quentin, CA 94974

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28