

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

February 28, 2017 at 1:00 p.m.

1. [16-27513](#)-B-13 HUMBERTO DIAZ ORDER TO SHOW CAUSE - FAILURE
Pro Se TO PAY FEES
1-18-17 [[27](#)]
DEBTOR DISMISSED: 02/01/2017

Final Ruling: No appearance at the February 28, 2017, hearing is required.

The case having previously been dismissed, the Order to Show Cause is discharged as moot, with no sanctions ordered.

The court will enter an appropriate minute order.

2. [16-28315](#)-B-13 LILIBETH SELLI
David Foyil

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-24-17 [[24](#)]

Final Ruling: No appearance at the February 28, 2017, hearing is required.

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due January 19, 2017. The court's docket reflects that the default was cured on February 2, 2017, in two installments of \$200.00 and \$110.00. These payments amounted to the final installment.

The court will enter an appropriate minute order.

3. [17-20015](#)-B-13 ERIK HUGHES
Steele Lanphier

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-7-17 [[16](#)]

Tentative Ruling: The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtor to pay the filing fee in installments.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the \$79.00 installment when due on February 2, 2017. While the delinquent installment was paid on February 16, 2017, the fact remains the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter an appropriate minute order.

4. [16-27317](#)-B-13 BRIAN/KATHY BETLAN
David Foyil

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-6-17 [[65](#)]

Final Ruling: No appearance at the February 28, 2017, hearing is required.

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtors' failure to pay \$77.00 due February 1, 2017. The court's docket reflects that the default was cured on February 16, 2017. The payment in the amount of \$154.00 amounted to the final installment.

The court will enter an appropriate minute order.

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtor, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to not dismiss the case provided that the Debtor is current on plan payments.

First, the Debtor has stated in her response that she has cured the delinquency to the Trustee in the amount of \$405.00, which represents approximately one plan payment, on February 7, 2017. However, by the time this matter is heard, an additional plan payment in the amount of \$405.00 will also be due.

Second, the Debtor has not failed to prosecute this case to cause unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). An amended plan was filed on February 14, 2017, and the confirmation hearing is set for April 4, 2017.

If the Debtor is current on plan payments, there is no cause to dismiss this case. The motion will be denied without prejudice and the case will not be dismissed.

The court will enter an appropriate minute order.

6. [16-27549](#)-B-13 ERIC ADVINCULA
Richard L. Jare

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-19-17 [[17](#)]

Final Ruling: No appearance at the February 28, 2017, hearing is required.

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$77.00 due January 17, 2017. The court's docket reflects that the default was cured on January 19, 2017. The payment in the amount of \$210.00 amounted to the final installment.

The court will enter an appropriate minute order.

7. [16-27849](#)-B-13 JOSE ORTIZ-MORALES
Steele Lanphier

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-3-17 [[28](#)]

Tentative Ruling: The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtor to pay the filing fee in installments.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the \$77.00 installment when due on January 30, 2017. While the delinquent installment was paid on February 9, 2017, the fact remains the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter an appropriate minute order.

8. [16-27379](#)-B-13 TIFFANY LOVE
Richard L. Jare

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-10-17 [[18](#)]

Final Ruling: No appearance at the February 28, 2017, hearing is required.

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$77.00 due February 6, 2017. The court's docket reflects that the default was cured on February 21, 2017. The payment was the final installment.

The court will enter an appropriate minute order.

9. [16-26382](#)-B-13 ANDREY KOLESNIKOV
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-30-17 [[48](#)]

DEBTOR DISMISSED: 02/01/2017

Final Ruling: No appearance at the February 28, 2017, hearing is required.

The case having previously been dismissed, the Order to Show Cause is discharged as moot, with no sanctions ordered.

The court will enter an appropriate minute order.

10. [16-27285](#)-B-13 JORGE GARCIA AND MARIBEL CONTINUED MOTION TO DISMISS
JPJ-1 ALEMAN CASE
Thomas O. Gillis 12-30-16 [[32](#)]

Final Ruling: No appearance at the February 28, 2017, hearing is required.

The Debtors filed a voluntary notice of conversion on February 16, 2017. The conversion fee was paid on February 27, 2017. The motion to dismiss is dismissed as moot.

The court will enter an appropriate minute order.

11. [16-27089](#)-B-13 LEONARDO MERCURIO
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-30-17 [[42](#)]

DEBTOR DISMISSED: 02/01/2017

Final Ruling: No appearance at the February 28, 2017, hearing is required.

The case having previously been dismissed, the Order to Show Cause is discharged as moot, with no sanctions ordered.

The court will enter an appropriate minute order.

12. [16-27092](#)-B-13 ROBERT BISHOP
JPJ-2 Peter G. Macaluso

MOTION TO DISMISS CASE
2-3-17 [[48](#)]

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtor, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to dismiss the case.

First, the Debtor is delinquent to the Chapter 13 Trustee in the amount of \$5,210.00, which represents approximately 2.13 plan payments. By the time this matter is heard, an additional plan payment in the amount of \$2,445.00 will also be due. Cause exists to dismiss this cause pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor has failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). The trustee's Objection to Confirmation of Chapter 13 Plan was heard and sustained on January 4, 2017. To date, the Debtor has not taken further action to confirm a plan in this case.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

The court will enter an appropriate minute order.