

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

September 22, 2020 at 2:00 p.m.

ALL APPEARANCES MUST BE TELEPHONIC
(Please see the court's website for instructions.)

1. [20-22046](#)-C-13 JOANNE ASPIRAS MOTION TO DISMISS CASE
[RDG-2](#) Peter Cianchetta 9-8-20 [[20](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dckt. 23.

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on July 7, 2020. The trustee also argues the debtor is \$2,406.82 delinquent in plan payments, which is supported by declaration. Dckt. 22.

A review of the docket confirms the debtor has not filed a new plan since the prior plan was denied confirmation. Failure to confirm a plan and maintain plan payments are evidence showing unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

September 22, 2020 at 2:00 p.m.

Page 1 of 2

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is granted, and the case is dismissed.