

1 UNITED STATES BANKRUPTCY COURT
2 EASTERN DISTRICT OF CALIFORNIA
3

FILED
SEPTEMBER 2, 2010
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

} Special Order 10-02
}

8 **IT IS ORDERED** that Special Order 10-1, dated January 21, 2010, is hereby
9 abrogated.
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11 **IT IS FURTHER ORDERED** that Wayne Blackwelder, the duly appointed Clerk of
12 the U.S. Bankruptcy Court for the Eastern District of California, and his deputies shall have
13 the same rights and powers, shall perform the same functions and duties, and shall be
14 subject to the same provisions of Title 28, United States Code, as a clerk and other
15 employees appointed under 28 U.S.C. § 751. Pursuant to the provisions of 28 U.S.C. §
16 956, 11 U.S.C. § 105, and the Federal Rules of Bankruptcy Procedure, the clerk and such
17 deputies as he may designate are authorized to sign and enter without further direction the
18 following orders which are deemed to be of a ministerial, nondiscretionary, nonjudicial,
19 and/or administrative nature:
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- 21 1. Orders pursuant to Federal Rule of Bankruptcy Procedure 2004, presented
22 on EDC Form 6-970A, authorizing the examination of a person but not
23 compelling the production of documentary evidence;
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25 2. Orders fixing the last dates for the filing of objections to confirmation of
26 chapter 12 and chapter 13 plans, complaints objecting to discharge,
27 complaints to determine the dischargeability of debts, proofs of claim, and
28 amendments thereto;

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3. Orders granting applications to pay the filing fee in installments as provided by the Federal Rules of Bankruptcy Procedure;
4. Orders granting discharge of debtors in chapter 7 cases in which no objection to discharge is pending, the debtor(s) has (have) not executed a waiver of discharge or been otherwise denied a discharge, and where it appears from the record that the debtor(s) is(are) eligible for a discharge;
5. Orders granting discharge of debtors in chapter 12 and 13 cases in which no objection to discharge is pending, the debtor(s) has(have) not executed a waiver of discharge or been otherwise denied a discharge, and in cases filed on and after October 17, 2005, the Court has determined after notice and a hearing that the debtor(s) is(are) eligible for a discharge;
6. Orders closing bankruptcy cases without entry of a discharge when the debtor(s) has(have) failed to file a statement of completion of a course concerning personal financial management (Official Form 23) after notice affording opportunity to file the statement and opportunity to file a motion for extension of time to file the statement, and neither the statement nor a motion for extension of time to file the statement having been filed;
7. Orders closing bankruptcy cases without entry of a discharge when the debtor(s) has(have) not paid in full the filing fee prescribed by 28 U.S.C. §1930(a) and any other fee prescribed by the Judicial Conference of the United States under 28 U.S.C. §1930(b) that is payable to the Clerk upon the commencement of a case under the Bankruptcy Code, after notice affording opportunity to pay the fee and opportunity to file a motion for extension of time to pay the fee, and neither the fee payment nor a motion for extension

1 of time to pay the fee having been filed;

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3 8. Orders reopening cases pursuant to 11 U.S.C. §350(b) to administer assets,
4 to permit the debtor(s) to file a motion to avoid lien, to permit a party to file
5 a complaint to obtain a determination under Federal Rule of Bankruptcy
6 Procedure 4007(b), to permit a party to file a motion to seal, strike or restrict
7 public access to documents filed in a case, or to permit the debtor(s) to file
8 a statement of completion of a course concerning personal financial
9 management (Official Form 23) and obtain a discharge when the case was
10 closed without a discharge having been entered and the debtor is not also
11 requesting a waiver of the fee to reopen the case;

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

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

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21 11. Except with respect to priority claims, orders substituting the transferee for
22 the original claimant on a proof of claim pursuant to the Federal Rules of
23 Bankruptcy Procedure;

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25 12. Orders presented by the Chapter 13 Standing Trustee ordering or releasing
26 the debtor or any entity from whom the debtor receives income to pay all or
27 part of such income to the trustee;

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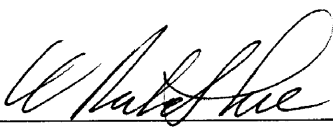
1 13. Orders dismissing adversary proceedings for lack of prosecution after notice
2 to the parties affording opportunity to be heard and no request for a hearing
3 having been filed; and


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5 14. Orders dismissing bankruptcy cases for failure to timely file missing
6 documents after notice affording opportunity to file the missing documents,
7 opportunity to file a motion for extension of time to file them, and opportunity
8 to be heard, and all missing documents, a motion for extension of time to file
9 them, or a notice of hearing not having been filed.

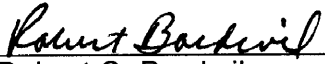
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11 **IT IS FURTHER ORDERED** that, in the interest of justice, a judge may suspend or
12 withdraw the clerk's and deputy clerks' authority to sign the foregoing orders at any time,
13 on the judge's own motion, and regulate practice in accordance with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

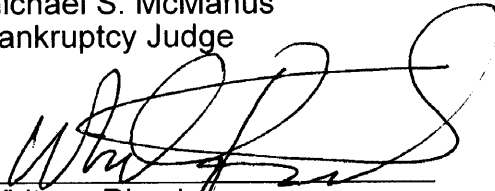
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15 DATED: September 2, 2010

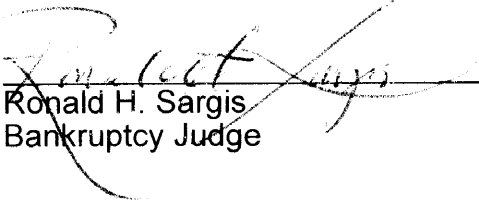
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18 _____
19 Christopher M. Klein
Chief Bankruptcy Judge

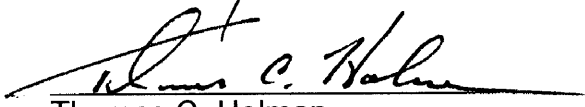
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19 W. Richard Lee
Bankruptcy Judge

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23 Michael S. McManus
Bankruptcy Judge

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23 Robert S. Bardwil
Bankruptcy Judge

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26 Whitney Rimel
Bankruptcy Judge

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26 Ronald H. Sargis
Bankruptcy Judge

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Thomas C. Holman
Bankruptcy Judge