

FILED

April 4, 2018

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

1 UNITED STATES BANKRUPTCY COURT  
2 EASTERN DISTRICT OF CALIFORNIA  
3

4 In re

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

General Order 18-01

8 **IT IS ORDERED** that General Order 17-01 dated April 19, 2017, is hereby abrogated.

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

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

- 1           3.       Orders granting applications to pay the filing fee in installments as provided by  
2                   the Federal Rules of Bankruptcy Procedure;  
3
- 4           4.       Orders granting discharge of debtors in chapter 7 cases in which no objection  
5                   to discharge is pending, the debtor(s) has (have) not executed a waiver of  
6                   discharge or been otherwise denied a discharge, and where it appears from the  
7                   record that the debtor(s) is(are) eligible for a discharge;  
8
- 9           5.       Orders granting discharge of debtors in chapter 13 cases in which no objection  
10                  to discharge is pending, the debtor(s) has(have) not executed a waiver of  
11                  discharge or been otherwise denied a discharge, and in cases filed on and after  
12                  October 17, 2005, after notice affording parties-in-interest the opportunity to  
13                  object to the debtor's eligibility for discharge and no objections having been filed;  
14
- 15          6.       Orders closing bankruptcy cases without entry of a discharge when the debtor(s)  
16                  has(have) failed to file a statement of completion of a course concerning  
17                  personal financial management (Official Form 423) or a motion to extend time  
18                  to file the statement after the Clerk has sent the debtor a notice of the deficiency  
19                  and an opportunity to file a motion to extend time. If the debtor files a motion to  
20                  extend time to file the statement and the debtor fails to file the statement within  
21                  the time specified in the Judge's order, the Clerk will close the case without entry  
22                  of discharge;  
23
- 24          7.       Orders closing bankruptcy cases without entry of a discharge when the debtor(s)  
25                  has(have) not paid in full the filing fee prescribed by 28 U.S.C. § 1930(a) and  
26                  any other fee prescribed by the Judicial Conference of the United States under  
27                  28 U.S.C. § 1930(b) that is payable to the Clerk upon the commencement of a  
28                  case under the Bankruptcy Code, or a motion to extend time to pay the fee after

1 the Clerk has sent the debtor a notice of the deficiency and an opportunity to file  
2 a motion to extend time. If the debtor files a motion to extend time to pay the fee  
3 and the debtor fails to pay the fee within the time specified in the Judge's order,  
4 the Clerk will close the case without entry of a discharge;

5  
6 8. Orders closing chapter 7 bankruptcy cases without entry of discharge when the  
7 debtor is ineligible for a discharge due to a prior discharge, pursuant to 11  
8 U.S.C. §727 (a)(8) or 11 U.S.C. §727 (a)(9);

9  
10 9. Orders closing chapter 13 bankruptcy cases without entry of a discharge when  
11 the debtor(s) fail(s) to certify that (A) the debtor has not received a prior  
12 bankruptcy discharge within the time periods specified in 11 U.S.C. § 1328(f),  
13 (B) the debtor has paid all domestic support obligations, or (C) the debtor does  
14 not owe debts of the type described in 11 U.S.C. § 522(q) while claiming  
15 exemptions in real property, personal property, or a cooperative used as a  
16 residence or claimed as a homestead, or in a burial plot that exceed the amount  
17 stated in 11 U.S.C. § 522(q)(1), or that such exemptions in excess of the amount  
18 stated in 11 U.S.C. § 522(q)(1) are reasonably necessary for the support of the  
19 debtor or the debtor's dependents after the Trustee has sent the debtor a notice  
20 of completed plan payments and of the obligation to file documents  
21 demonstrating eligibility for discharge. If the debtor fails to file the documents  
22 or the filed documents fail to demonstrate eligibility for discharge, the Clerk will  
23 close the case without entry of discharge;

24  
25 10. Orders reopening cases pursuant to 11 U.S.C. § 350(b);

26  
27 11. After Court approval of all amounts awarded therein, orders awarding  
28 compensation and expense reimbursements to trustees and other professionals

1 in chapter 7 cases;

2  
3 12. Orders approving chapter 12 and 13 trustee final reports and accounts after  
4 notice affording opportunity to be heard and no request for hearing or objection  
5 having been filed;

6  
7 13. Final decrees, and orders closing chapter 7, 12 and 13 cases and discharging  
8 trustees after notice affording opportunity to be heard and no request for hearing  
9 or objection having been filed;

10  
11 14. Except with respect to priority claims, orders substituting the transferee for the  
12 original claimant on a proof of claim pursuant to the Federal Rules of Bankruptcy  
13 Procedure;

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

18  
19 16. Orders dismissing bankruptcy cases for failure to file missing documents after  
20 notice affording the debtors an opportunity to file the missing documents, a  
21 motion for extension of time, or a notice of hearing on the Court's Notice of  
22 Intent to Dismiss Case, and all missing documents, a motion to extend time, or  
23 a notice of hearing not having been timely filed. If the debtor files a motion to  
24 extend time or a notice of hearing and later fails to file all missing documents  
25 within the time specified in the Judge's order, the Clerk will dismiss the case;

26  
27 17. Orders setting hearings on reaffirmation agreements;

28  
18. Orders transferring cases after conversion from chapter 7 to 13 and chapter 13

1 to 7 in Modesto cases, and from chapter 7 to 13 in San Joaquin county cases;  
2 and

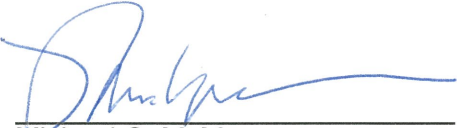
3  
4  
5 19. Orders directing a chapter 7 trustee to pay the filing fee from assets in the  
6 bankruptcy estate when the debtor's filing fee has been waived and the trustee  
7 has assets to administer in the case, as per 11 U.S.C. § 507(a)(2) and  
8 28 U.S.C. § 1930; and

9  
10 20. Orders approving motions to redact personally identifiable information from the  
11 court's docket or claims register.

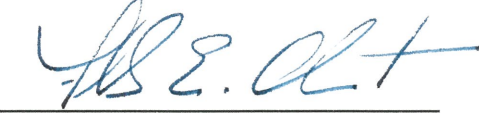
12  
13 **IT IS FURTHER ORDERED** that, in the interest of justice, a judge may suspend or  
14 withdraw the Clerk's and deputy clerks' authority to sign the foregoing orders at any time, on  
15 the judge's own motion, and regulate practice in accordance with the judge's direction.


16 DATED: APR 4 2018


17   
18 Ronald H. Sargis  
19 Chief Bankruptcy Judge

  
20 Michael S. McManus  
21 Bankruptcy Judge

22   
23 Robert S. Bardwil  
24 Bankruptcy Judge

  
25 Fredrick E. Clement  
26 Bankruptcy Judge

27   
28 Christopher D. Jaime  
Bankruptcy Judge

  
René Lastreto II  
Bankruptcy Judge

