

FILED

JAN 18 2012

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 11-04

8 **IT IS ORDERED** that Special Order 11-01 dated September 28, 2011, is hereby
9 abrogated and replaced by this General Order.

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

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

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

- 1 8. Orders reopening cases pursuant to 11 U.S.C. §350(b) where the stated
2 purpose of reopening is to file a motion to avoid lien, file a complaint to
3 obtain a determination of the discharge status of a debt under Federal Rule
4 of Bankruptcy Procedure 4007(b), file a motion to seal, strike or restrict
5 public access to documents filed in a case, file a statement of completion of
6 a course concerning personal financial management (Official Form 23) and
7 obtain a discharge when the case was closed without a discharge having
8 been entered and the debtor is not also requesting a waiver of the fee to
9 reopen the case or to pay fees as per FRBP 4004(c)(1)(G);
- 10 9. After Court approval of all amounts awarded therein, orders awarding
11 compensation and expense reimbursements to trustees and other
12 professionals in chapter 7 cases;
- 13 10. Final decrees, and orders closing cases and discharging trustees after notice
14 affording opportunity to be heard and no request for hearing or objection
15 having been filed;
- 16 11. Except with respect to priority claims, orders substituting the transferee for
17 the original claimant on a proof of claim pursuant to the Federal Rules of
18 Bankruptcy Procedure;
- 19 12. Orders presented by or approved with a signature by the Chapter 13
20 Standing Trustee ordering or releasing the debtor or any entity from whom
21 the debtor receives income to pay all or part of such income to the trustee;
- 22 13. Orders dismissing cases for failure to timely file missing documents after the
23 Clerk's office has sent a notice affording the opportunity to file the missing
24 documents, file a motion for extension of time or file a notice of hearing on
25 the Court's Notice of Intent to Dismiss the Case. If the debtor files a motion
26 to extend time or a notice of hearing, and later fails to file the missing
27 documents within the time specified in the Judge's order, the Clerk will close
28 the case without entry of discharge;

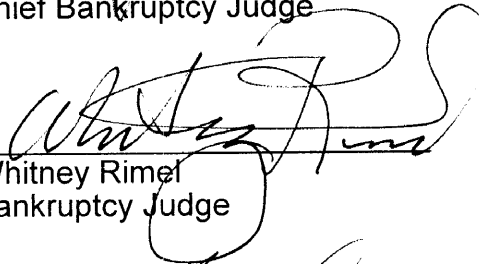
1 14. Orders setting hearings on reaffirmation agreements.

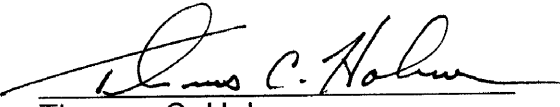
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3 **IT IS FURTHER ORDERED** that, in the interest of justice, a judge may suspend or
4 withdraw the Clerk's and deputy clerks' authority to sign the foregoing orders at any time,
5 on the judge's own motion, and regulate practice in accordance with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

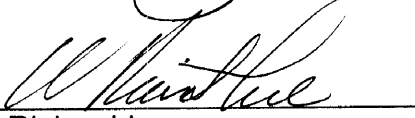
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7 DATED: JAN 18 2012

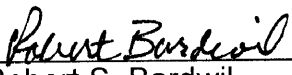
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10 
11 _____
12 Christopher M. Klein
13 Chief Bankruptcy Judge

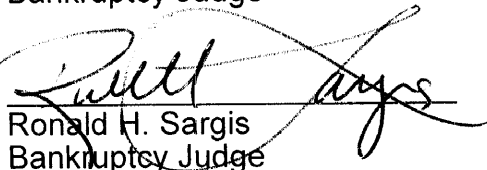
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11 _____
12 Michael S. McManus
13 Bankruptcy Judge

12 
13 _____
14 Whitney Rimer
15 Bankruptcy Judge

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13 _____
14 Thomas C. Holman
15 Bankruptcy Judge

15 
16 _____
17 W. Richard Lee
18 Bankruptcy Judge

15 
16 _____
17 Robert S. Bardwil
18 Bankruptcy Judge

18 
19 _____
20 Ronald H. Sargis
21 Bankruptcy Judge