

1 UNITED STATES BANKRUPTCY COURT
2 EASTERN DISTRICT OF CALIFORNIA
3

FILED

03/14/16

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

General Order 16-03

8 **IT IS ORDERED** that General Order 15-02 dated December 1, 2015, is hereby
9 abrogated.

10 **IT IS FURTHER ORDERED** that Wayne Blackwelder, the duly appointed Clerk of the
11 U.S. Bankruptcy Court for the Eastern District of California, and his deputies shall have the
12 same rights and powers, shall perform the same functions and duties, and shall be subject to
13 the same provisions of Title 28, United States Code, as a clerk and other employees appointed
14 under 28 U.S.C. § 751. Pursuant to the provisions of 28 U.S.C. § 956, 11 U.S.C. § 105, and
15 the Federal Rules of Bankruptcy Procedure, the clerk and such deputies as he may designate
16 are authorized to sign and enter without further direction the following orders which are deemed
17 to be of a ministerial, nondiscretionary, nonjudicial, and/or administrative nature:
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- 19 1. Orders pursuant to Federal Rule of Bankruptcy Procedure 2004, presented on
20 EDC Form 6-970A, authorizing the examination of a person but not compelling
21 the production of documentary evidence;
22
- 23 2. Orders fixing the last dates for the filing of objections to confirmation of chapter
24 12 and chapter 13 plans, complaints objecting to discharge, complaints to
25 determine the dischargeability of debts, proofs of claim, and amendments
26 thereto;
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28

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 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, after notice affording parties-in-interest the opportunity to object to the debtor's eligibility for discharge and no objections having been filed;
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 423) or a motion to extend time to file the statement after the Clerk has sent the debtor a notice of the deficiency and an opportunity to file a motion to extend time. If the debtor files a motion to extend time to file the statement and the debtor fails to file the statement within the time specified in the Judge's order, the Clerk will close the case without entry of discharge;
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, 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 13 bankruptcy cases without entry of a discharge when
7 the debtor(s) fail(s) to certify that (A) the debtor has not received a prior
8 bankruptcy discharge within the time periods specified in 11 U.S.C. § 1328(f),
9 (B) the debtor has paid all domestic support obligations, or (C) the debtor does
10 not owe debts of the type described in 11 U.S.C. § 522(q) while claiming
11 exemptions in real property, personal property, or a cooperative used as a
12 residence or claimed as a homestead, or in a burial plot that exceed the amount
13 stated in 11 U.S.C. § 522(q)(1), or that such exemptions in excess of the amount
14 stated in 11 U.S.C. § 522(q)(1) are reasonably necessary for the support of the
15 debtor or the debtor's dependents after the Trustee has sent the debtor a notice
16 of completed plan payments and of the obligation to file documents
17 demonstrating eligibility for discharge. If the debtor fails to file the documents
18 or the filed documents fail to demonstrate eligibility for discharge, the Clerk will
19 close the case without entry of discharge;

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21 9. Orders reopening cases pursuant to 11 U.S.C. § 350(b);

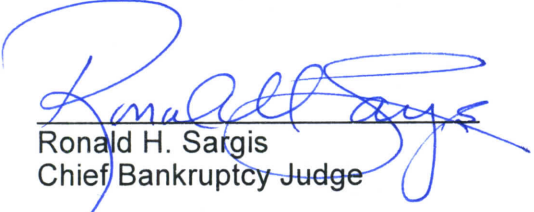
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23 10. After Court approval of all amounts awarded therein, orders awarding
24 compensation and expense reimbursements to trustees and other professionals
25 in chapter 7 cases;

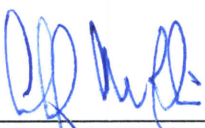
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27 11. Orders approving chapter 12 and 13 trustee final reports and accounts after
28 notice affording opportunity to be heard and no request for hearing or objection
having been filed;

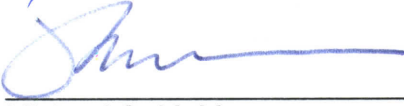
- 1 12. Final decrees, and orders closing chapter 7, 12 and 13 cases and discharging
2 trustees after notice affording opportunity to be heard and no request for hearing
3 or objection having been filed;
4
- 5 13. Except with respect to priority claims, orders substituting the transferee for the
6 original claimant on a proof of claim pursuant to the Federal Rules of Bankruptcy
7 Procedure;
8
- 9 14. Orders presented by or approved with a signature by the Chapter 13 Standing
10 Trustee ordering or releasing the debtor or any entity from whom the debtor
11 receives income to pay all or part of such income to the trustee;
12
- 13 15. Orders dismissing bankruptcy cases for failure to file missing documents after
14 notice affording the debtors an opportunity to file the missing documents, a
15 motion for extension of time, or a notice of hearing on the Court's Notice of
16 Intent to Dismiss Case, and all missing documents, a motion to extend time, or
17 a notice of hearing not having been timely filed. If the debtor files a motion to
18 extend time or a notice of hearing and later fails to file all missing documents
19 within the time specified in the Judge's order, the Clerk will dismiss the case; and
20
- 21 16. Orders setting hearings on reaffirmation agreements.
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- 23 17. Orders transferring cases after conversion from chapter 7 to 13 and chapter 13
24 to 7 in Modesto cases, and from chapter 7 to 13 in San Joaquin county cases.
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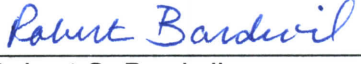
1 **IT IS FURTHER ORDERED** that, in the interest of justice, a judge may suspend or
2 withdraw the Clerk's and deputy clerks' authority to sign the foregoing orders at any time, on
3 the judge's own motion, and regulate practice in accordance with the judge's direction.
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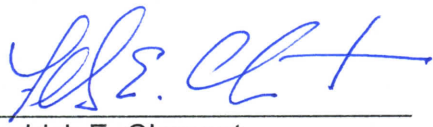
5 DATED: March 14, 2016

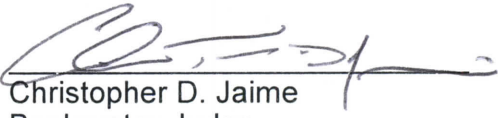
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7 
8 Ronald H. Sargis
9 Chief Bankruptcy Judge

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11 
12 Christopher M. Klein
13 Bankruptcy Judge

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16 Michael S. McManus
17 Bankruptcy Judge

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20 Robert S. Bardwil
21 Bankruptcy Judge

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24 Fredrick E. Clement
25 Bankruptcy Judge

26
27 
28 Christopher D. Jaime
Bankruptcy Judge

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2 
3 René Lastreto, II
4 Bankruptcy Judge