

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 ~~21-03~~ 23-04

8 **IT IS ORDERED** that General Order ~~21-01~~ 21-03 dated ~~January 26, 2021~~ June 21,
9 2021, is hereby 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:
18

- 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;
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 chapter 11,
8 subchapter V cases and discharging trustees after notice affording opportunity
9 to be heard and no request for hearing 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 upon conversion to another chapter or a trustee

1 reassignment, if necessary, to another judge in that Division to whom cases
2 under the new chapter or for the new trustee are assigned;

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

8
9 20. Orders approving motions to redact personally identifiable information from the
10 court's docket or claims register; and

11
12 21. Orders to Show Cause in instances where an attorney does not timely submit a
13 Disclosure of Compensation in either a chapter 7 or chapter 13 case.

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

18 DATED:

19
20 _____
21 Ronald H. Sargis
22 Chief Bankruptcy Judge

20 _____
21 Fredrick E. Clement
22 Bankruptcy Judge

23 _____
24 Christopher D. Jaime
25 Bankruptcy Judge

23 _____
24 René Lastreto II
25 Bankruptcy Judge

26 _____
27 Jennifer E. Niemann
28 Bankruptcy Judge