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3 UNITED STATES BANKRUPTCY COURT
4 EASTERN DISTRICT OF CALIFORNIA
5 SACRAMENTO DIVISION
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8 In re:)
9) Case No. 06-23351-B-13J
10 HARRY STARLING,) Docket Control No. SDH-2
11 Debtor(s).) Date: December 19, 2006
12) Time: 9:30 a.m.

13 On or after the calendar set forth above, the court issued
14 the following ruling. The official record of the ruling is
appended to the minutes of the hearing.

15 Because the ruling constitutes a "reasoned explanation" of
16 the court's decision under the E-Government Act of 2002 (the
"Act"), a copy of the ruling is hereby posted on the court's
17 Internet site, www.caeb.uscourts.gov, in a text-searchable
format, as required by the Act. However, this posting does not
18 constitute the official record, which is always the ruling
appended to the minutes of the hearing.

19 **DISPOSITION WITHOUT ORAL ARGUMENT**

20 Oral argument will not aid the court in rendering a decision
21 on this matter.

22 As an initial matter, the court notes that the dismissal of
23 this case on July 15, 2005, does not moot this fee application.
24 See In re Menk, 241 B.R. 896, 906 (9th Cir. BAP 1999), *citing*
25 Elias v. U.S. Trustee (In re Elias), 188 F.3d 1160, 1162 (9th
26 Cir.1999), St. Angelo v. Victoria Farms, Inc., 38 F.3d 1525, 1533
27 (9th Cir.1994), Spacek v. Thomen (In re Universal Farming
28 Indus.), 873 F.2d 1334, 1335-37 (9th Cir.1989), Tsafaroff v.

1 Taylor (In re Taylor), 884 F.2d 478, 481 (9th Cir.1989) and
2 U.S.A. Motel Corp. v. Danning, 521 F.2d 117 (9th Cir.1975).

3 The application is denied without prejudice.

4 This court's authority to review the attorney's fees in this
5 case is grounded in 11 U.S.C. § 329. Section 329(b) permits this
6 court to cancel any fee agreement or order return of funds should
7 the payment exceed the reasonable value of such services. In
8 order for the court to determine whether the requested fee is
9 reasonable, applicant must provide the court with contemporaneous
10 billing records for all work done in relation to this case.
11 Furthermore, applicant is no longer entitled to payment of the
12 flat fee under the Guidelines because an objection has been
13 filed. See Guidelines for Payment of Attorneys' Fees in Chapter
14 13 Cases, ¶ 3.