

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re) Case No. 07-20952-A-13G
SIONE and MOMIALA HOFOKA,) Docket Control No. RDG #1
Debtor.) Date: April 2, 2007
Time: 10:00 a.m.

On April 2, 2007 at 10:00 a.m., the court considered the chapter 13 trustee's motion to dismiss the debtors' chapter 13 petition and the debtors' opposition to that motion. The court's ruling on the motion and the opposition is appended to the minutes of the hearing. Because that ruling constitutes a "reasoned explanation" of the court's decision, it is also posted on the court's Internet site, www.caeb.uscourts.gov, in a text-searchable format as required by the E-Government Act of 2002. The official record, however, remains the ruling appended to the minutes of the hearing.

FINAL RULING

The motion to dismiss the petition will be dismissed as moot.

The petition was filed on February 13, 2007. The debtor has not filed any schedules or statements as required by 11 U.S.C. § 521(a)(1). The time to file those documents expired on February 28, 2007. See Interim Rule 1007(c).

Further, when schedules and statements are not filed by the 45th day of a case, the case is automatically dismissed on the 46th day. See 11 U.S.C. § 521(i)(1). In this case, the 45th day was March 28 and the 46th day was March 29. Thus, the case was automatically dismissed on March 29 and this motion is moot.

Despite dismissing the trustee's motion as moot, the court will deem the motion to be a request by a party in interest that

1 the court enter an order confirming the prior automatic dismissal
2 of the petition. See 11 U.S.C. § 521(i)(2). The trustee shall
3 lodge a proposed order.