



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

January 23, 2024 at 2:00 p.m.

Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person** at Sacramento Courtroom #35, (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**.

You may choose any of these options unless otherwise ordered.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided:

Video web address:

<https://www.zoomgov.com/j/1607167964?pwd=NTFlbW5EVXFYZWYyd3psTkZzY2RxZz09>

Meeting ID: 160 716 7964

Password: 271490

Zoom.Gov Telephone: (669) 254-5252 (Toll Free)

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. You are required to give the court 24 hours advance notice. Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
3. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

Please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued mediac credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

2. [23-24214](#)-C-13 REGINALD/KATHY KING
Peter Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-3-24 [[15](#)]

Tentative Ruling:

The court issued this Order to Show Cause because debtor had not paid the filing fee installment payment on the due date of December 27, 2023. Dkt. 15.

A review of the docket shows the payment has still not been made.

Therefore, the Order to Show Cause is sustained, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is sustained, and the case is dismissed.

3. [23-24016](#)-C-13 BUDDY FONSECA
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
11-27-23 [[15](#)]

Final Ruling: No appearance at the January 23, 2024 hearing is required.

The above captioned case was dismissed on November 29, 2023. Dkt. 17. Therefore, the Order to Show Cause is discharged as moot.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is dismissed as moot.

4. [23-23320](#)-C-13 TRINIDAD SANCHEZ
Peter Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-29-23 [[28](#)]

Final Ruling: No appearance at the January 23, 2024 hearing is required.

The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on December 26, 2023. Dkt. 28.

A review of the docket shows that the installment has now been paid. Therefore, the Order to Show Cause is discharged.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.

5. [23-22836](#)-C-13 ARTHUR ROBINSON
Peter Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
11-27-23 [[45](#)]

Final Ruling: No appearance at the January 23, 2024 hearing is required.

The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on November 20, 2023. Dkt. 45.

A review of the docket shows that the installment has now been paid. Therefore, the Order to Show Cause is discharged.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.

6. [23-23636](#)-C-13 LISA/SEAN BYRD
Peter Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-20-23 [[33](#)]

Tentative Ruling:

The court issued this Order to Show Cause because debtor had not paid the filing fee installment payment on the due date of December 15, 2023. Dkt. 33.

A review of the docket shows the payment has still not been made.

Therefore, the Order to Show Cause is sustained, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is sustained, and the case is dismissed.

7. [23-24039](#)-C-13 EDWIN/ELIZABETH RIVAS
Peter Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-18-23 [[19](#)]

Tentative Ruling:

The court issued this Order to Show Cause because debtor had not paid the filing fee installment payment on the due date of December 15, 2023. Dkt. 19.

A review of the docket shows the payment has still not been made. Additionally, the fee installment payment has come due and was not made. Dkt. 24.

Therefore, the Order to Show Cause is sustained, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is sustained, and the case is dismissed.

8. [23-24440](#)-C-13 RAYNEA ROSCHE
 Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-27-23 [[14](#)]

Final Ruling: No appearance at the January 23, 2024 hearing is required.

 The above captioned case was dismissed on January 3, 2024. Dkt. 18.
Therefore, the Order to Show Cause is discharged as moot.

The court shall issue a minute order substantially in the following form
holding that:

 Findings of Fact and Conclusions of Law are stated in
the Civil Minutes for the hearing.

 The Order to Show Cause having been presented to the
court, and upon review of the pleadings, evidence, arguments
of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is
dismissed as moot.

9. [23-22374](#)-C-13 WILLIE WATSON
[LGT](#)-2 Peter Cianchetta

MOTION TO DISMISS CASE
1-9-24 [[123](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 126.

The Motion is granted, and the case is ~~xxxxxxx~~

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal, or conversion, exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on October 4, 2023.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkts. 85 & 90.

Failure to confirm a plan and maintain plan payments constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss or convert this case pursuant to 11 U.S.C. § 1307(c)(1).

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are
stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13
case filed by the Chapter 13 Trustee, Russell
Greer, having been presented to the court, and
upon review of the pleadings, evidence,
arguments of counsel, and good cause
appearing,

IT IS ORDERED that the Motion to
Dismiss is ~~xxxxxxxxxx~~

10. [23-23294](#)-C-13 SENGPHET/SYPHONG
PHIMMASENE
Matthew DeCaminada

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
11-27-23 [[18](#)]

Final Ruling: No appearance at the January 23, 2024 hearing is required.

The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on November 21, 2023. Dkt. 18.

A review of the docket shows that the installment has now been paid. Therefore, the Order to Show Cause is discharged.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.

11. [23-23294](#)-C-13 SENGPHET/SYPHONG
PHIMMASENE

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-27-23 [[26](#)]

Final Ruling: No appearance at the January 23, 2024 hearing is required.

The court issued this Order to Show Cause because debtor had not paid the full amount of the fee installment payment due on December 21, 2023. Dkt. 26.

A review of the docket shows \$1.00 is still owed and should be paid with the final fee installment payment due on January 22, 2024. Therefore, the Order To Show Cause is discharged.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.