



**UNITED STATES BANKRUPTCY COURT**  
Eastern District of California

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**February 24, 2026 at 11:30 a.m.**

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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 or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/CourtAppearances>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

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. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, 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 medical 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.

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**UNITED STATES BANKRUPTCY COURT**  
Eastern District of California

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**February 24, 2026 at 11:30 a.m.**

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1. [24-25011](#)-C-13 DENNIS MCCAFFERTY MOTION TO DISMISS CASE  
[DPC](#)-2 Teresa Hung-Nguyen 1-16-26 [[102](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 105 .

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

**The Motion to Dismiss is granted, and the case is dismissed.**

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$530,798.96 delinquent in plan payments, which is supported by declaration that was not signed. Dkt. 104.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, 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 Motion to Dismiss the Chapter 13

**February 24, 2026 at 11:30 a.m.**  
**Page 1 of 25**

case filed by the Chapter 13 Trustee, David P. Cusick, 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 granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

2. [24-25121](#)-C-13 JANA JONES  
[DPC-1](#) Rabin Pournazarian

MOTION TO DISMISS CASE  
1-16-26 [[38](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) notice which requires 28 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 41.

**The Motion to Dismiss is denied without prejudice.**

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$1,810.00 delinquent in plan payments, which is supported by declaration. Dkt. 40.

Debtor filed an opposition (Dkt. 42) on February 2, 2026, asserting that debtor will file a plan before the hearing.

A review of the docket shows the debtor filed a modified plan and corresponding Motion to Confirm on February 2, 2026. Dkts. 47 & 49.

Because it appears debtor is actively prosecuting the case, the Motion is denied without prejudice.

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, David P. Cusick, 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 denied without prejudice.

3. [24-25221](#)-C-13 TAISHAWN/CATHEREAN MOTION TO DISMISS CASE  
[DPC](#)-4 MITCHELL 1-16-26 [[141](#)]  
Peter G. Macaluso

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 144.

**The Motion to Dismiss is denied without prejudice.**

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$4,800.00 delinquent in plan payments, which is supported by declaration. Dkt. 143.

Debtor filed an opposition (Dkt. 145) on February 10, 2026, asserting that debtor will file a modified plan before the hearing.

A review of the docket shows the debtor filed a Modified plan and corresponding Motion to Confirm on February 17, 2026. Dkts. 147 & 149.

Because it appears debtor is actively prosecuting the case, the Motion is denied without prejudice.

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, David P. Cusick, 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 denied without prejudice.

4. [25-25424](#)-C-13 EDDIE GARDNER CONTINUED MOTION TO DISMISS  
[DPC-2](#) Peter G. Macaluso CASE  
1-12-26 [[25](#)]

**Final Ruling:** No appearance at the February 24, 2026 hearing is required.  
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The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 15 days' notice was provided. Dkt. 28.

**The Motion to Dismiss is denied without prejudice as moot.**

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied Chapter 13 plan confirmation December 17, 2025.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkt. 23.

The Motion also argues debtor is \$17,295.81 delinquent in plan payments, as supported by declaration. Dkt. 27. Movant further asserts debtor has not provided all required tax returns, or that tax returns have not been filed.

A review of the docket shows the debtor filed a notice of conversion, and the case was converted to Chapter 7 on February 13, 2026 Dkts. 31 & 34.

Debtor may convert a Chapter 13 case to a Chapter 7 case at any time. 11 U.S.C. § 1307(a). The right is nearly absolute, and the conversion is automatic and immediate. Fed. R. Bankr. P. 1017(f)(3); In re Bullock, 41 B.R. 637, 638 (Bankr. E.D. Penn. 1984); In re McFadden, 37 B.R. 520, 521 (Bankr. M.D. Penn. 1984). Debtor's case was converted to a proceeding under Chapter 7 by operation of law once the Notice of Conversion was filed on February 13, 2026. McFadden, 37 B.R. at 521.

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, David P. Cusick, 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 denied without prejudice as moot.

5. [26-20025](#)-C-13 URIAH WHEAT

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
1-21-26 [[11](#)]

DEBTOR DISMISSED: 01/23/26

**Final Ruling:** No appearance at the February 24, 2026 hearing is required.  
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The above captioned case was dismissed on January 23, 2026. Dkt. 12.  
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.

6. [26-20033](#)-C-13 COREY MIDDLETON

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
1-21-26 [[11](#)]

DEBTOR DISMISSED: 01/23/26

**Final Ruling:** No appearance at the February 24, 2026 hearing is required.  
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The above captioned case was dismissed on January 23, 2026. Dkt. 12.  
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.

7. [26-20034](#)-C-13 CASSIDY WILEY

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
1-21-26 [[11](#)]

DEBTOR DISMISSED: 01/23/26

**Final Ruling:** No appearance at the February 24, 2026 hearing is required.  
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The above captioned case was dismissed on January 23, 2026. Dkt. 12.  
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.

8. [25-27338](#)-C-13 SARA SMITH

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
1-13-26 [[12](#)]

DEBTOR DISMISSED: 01/21/26

**Final Ruling:** No appearance at the February 24, 2026 hearing is required.  
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The above captioned case was dismissed on January 21, 2026. Dkt. 16.  
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. [25-21740](#)-C-13 ROBIN KINCAID MOTION TO DISMISS CASE  
[DPC-1](#) Scott M. Johnson 1-16-26 [[26](#)]

**Final Ruling:** No appearance at the February 24, 2026 hearing is required.  
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The movant having filed a Notice of Dismissal, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041, **the Motion was dismissed without a court order, and the matter is removed from the calendar.**

10. [25-21948](#)-C-13 VASILIOS TSIGARIS  
[DPC-3](#) Marc A. Caraska

MOTION TO DISMISS CASE  
1-13-26 [[50](#)]

**Final Ruling:** No appearance at the February 24, 2026 hearing is required.  
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**The Motion is dismissed without prejudice.**

On February 17, 2026, the movant filed an Ex Parte Motion to Dismiss. Dkt. 61. Federal Rule of Civil Procedure 41(a)(2), incorporated by Federal Rules of Bankruptcy Procedure 9014 and 7041, allows dismissal after a responsive pleading has been filed on terms the court considers proper.

The court finds withdrawal is warranted here. The Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

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 filed by Chapter 13 Trustee David Cusick having been presented to the court, the movant having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the motion is dismissed without prejudice.

11. [25-27054](#)-C-13 GINGER BROWN  
[DPC-1](#) Peter G. Macaluso

MOTION TO DISMISS CASE  
1-27-26 [[34](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 37.

**The Motion to Dismiss is granted, and the case is dismissed.**

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$8,000.00 delinquent in plan payments, which is supported by declaration. Dkt. 36.

The motion also argues debtor has failed to properly file, set and serve an amended plan.

Debtor filed an opposition (Dkt. 55) on February 10, 2026, asserting that debtor will file an amended plan before the hearing.

Creditor First Bank filed a limited opposition on February 10, 2026 asserting that dismissal of the case is premature because it has filed a motion for relief from automatic stay that may change the dynamics of the case.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, 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 Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. Cusick, 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

**February 24, 2026 at 11:30 a.m.**

**Page 12 of 25**

Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

12. [26-20057](#)-C-13 PATRICK AHLM

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
1-21-26 [[11](#)]

DEBTOR DISMISSED: 01/26/26

**Final Ruling:** No appearance at the February 24, 2026 hearing is required.  
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The above captioned case was dismissed on January 26, 2026. Dkt. 13.  
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.

13. [24-25164](#)-C-13 ELIZABETH ANDRADE  
[DPC](#)-4 Eric Schwab

CONTINUED MOTION TO DISMISS  
CASE  
12-1-25 [[95](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 57 days' notice was provided. Dkt. 98.

**The Motion to Dismiss is granted, and the case is dismissed.**

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$7,707.54 delinquent in plan payments, which is supported by declaration. Dkt. 97.

Debtor filed an opposition (Dkt. 101) on January 7, 2026, asserting that debtor will be current on or before the hearing.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

The Trustee filed a status report on January 20, 2026, representing debtor had made some payments but was still delinquent.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

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

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, David P. Cusick, 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 granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

14. [25-21665](#)-C-13 JATINDER SINGH  
[DPC-2](#) Mark A. Wolff

MOTION TO DISMISS CASE  
1-16-26 [[88](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 91.

**The Motion to Dismiss is denied without prejudice.**

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on September 9, 2025

Debtor filed an opposition (Dkt. 94) on February 10, 2026, asserting that debtor is filing an amended plan.

A review of the docket shows the debtor filed a Modified plan and corresponding Motion to Confirm on February 10, 2026. Dkts. 96 & 100.

Because it appears debtor is actively prosecuting the case, the Motion is denied without prejudice.

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, David P. Cusick, 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 denied without prejudice.

15. [25-22167](#)-C-13 ROBERT FIELDS  
[DPC-2](#) Scott M. Johnson

MOTION TO DISMISS CASE  
1-16-26 [[24](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 27.

**The Motion to Dismiss is granted, and the case is ~~xxxxxxx~~.**

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$10,080.00 delinquent in plan payments, which is supported by declaration. Dkt. 26.

The Trustee represents there is \$172,872.80 in nonexempt equity in assets listed on the debtor's schedules.

Debtor filed an opposition (Dkt. 28) on February 10, 2026, asserting that debtor will file a modified plan before the hearing.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, 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 Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. Cusick, 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 granted, and the case is ~~xxxxxxx~~

16. [24-24973](#)-C-13 SARAH/AUSTIN FOWLER  
[DPC-2](#) Gary Ray Fraley

MOTION TO DISMISS CASE  
1-27-26 [[61](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 64.

**The Motion to Dismiss is denied without prejudice.**

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on August 4, 2025.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkt. 60.

The Motion also argues debtor is \$2,241.00 delinquent in plan payments, which is supported by declaration. Dkt. 63.

The Trustee represents the debtors have \$92,619.51 in nonexempt equity in assets that are listed on their schedules.

Debtors filed a response (Dkt. 65) on February 6, 2026, asserting that they have had no communication with their bankruptcy attorney since the amended plan was denied confirmation on August 2025. They further assert they have stayed current on plan payments, but are requesting that the case be dismissed.

Debtors' counsel filed a response (Dkt. 66) on February 2, 2026, asserting the debtors are not delinquent in plan payments and that debtors would be filing an amended plan.

A review of the docket shows the debtor filed a modified plan and corresponding Motion to Confirm on February 10, 2026. Dkts. 69 & 73.

Because it appears debtor is actively prosecuting the case, the Motion is denied without prejudice.

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, David P. Cusick, 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 denied  
without prejudice.

17. [25-22182](#)-C-13 TABATHA ATKINS  
[DPC-1](#) Mark Shmorgon

MOTION TO DISMISS CASE  
1-16-26 [[28](#)]

**Final Ruling:** No appearance at the February 24, 2026 hearing is required.  
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**The Motion is dismissed without prejudice.**

On February 17, 2026, the movant filed an Ex Parte Motion to Dismiss. Dkt. 38. Federal Rule of Civil Procedure 41(a)(2), incorporated by Federal Rules of Bankruptcy Procedure 9014 and 7041, allows dismissal after a responsive pleading has been filed on terms the court considers proper.

The court finds withdrawal is warranted here. The Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

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 case filed by Chapter 13 Trustee David Cusick having been presented to the court, the movant having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the motion is dismissed without prejudice.

18. [25-22086](#)-C-13 DEMARIAE BATISTE MOTION TO DISMISS CASE  
[DPC-2](#) Carl R. Gustafson 1-16-26 [[24](#)]

**Final Ruling:** No appearance at the February 24, 2026 hearing is required.  
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**The Motion is dismissed without prejudice.**

On February 17, 2026, the movant filed an Ex Parte Motion to Dismiss. Dkt. 30. Federal Rule of Civil Procedure 41(a)(2), incorporated by Federal Rules of Bankruptcy Procedure 9014 and 7041, allows dismissal after a responsive pleading has been filed on terms the court considers proper.

The court finds withdrawal is warranted here. The Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

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 case filed by Chapter 13 Trustee David Cusick having been presented to the court, the movant having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the motion is dismissed without prejudice.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 25.

**The Motion to Dismiss is granted, and the case is dismissed.**

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$6,599.84 delinquent in plan payments, which is supported by declaration. Dkt. 24.

Debtor filed oppositions (Dkts. 26 & 27) on February 11, 2026, asserting that debtor is working to make the necessary payments and if she is unable then a modified plan will be filed.

The Chapter 13 Trustee filed a reply (Dkt. 29) on February 17, 2026, representing that no additional plan payments have been made and debtor is still delinquent and no modified plan has been filed.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, 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 Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. Cusick, 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 granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

20. [24-23991](#)-C-13 LARRY/LISA MCLAIN  
[DPC-1](#) Peter G. Macaluso

MOTION TO DISMISS CASE  
1-16-26 [[46](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) notice which requires 28 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 49.

**The Motion to Dismiss is denied without prejudice.**

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$1,530.00 delinquent in plan payments, which is supported by declaration. Dkt. 48.

Debtors filed an opposition (Dkt. 28) on February 10, 2026, asserting that debtors have filed a modified plan.

A review of the docket shows the debtor filed a modified plan and corresponding Motion to Confirm on February 5, 2026. Dkts. 50 & 52.

Because it appears debtor is actively prosecuting the case, the Motion is denied without prejudice.

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, David P. Cusick, 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 denied without prejudice.

21. [25-22895](#)-C-13 DENISE BARBARIA  
[DPC-1](#) Mikalah Liviakis

MOTION TO DISMISS CASE  
1-16-26 [[18](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) notice which requires 28 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 21.

**The Motion to Dismiss is denied without prejudice.**

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$898.00 delinquent in plan payments, which is supported by declaration. Dkt. 20.

Debtor filed an opposition (Dkt. 28) on January 28, 2026, asserting that debtor has filed a modified plan.

A review of the docket shows the debtor filed a plan and corresponding Motion to Confirm on January 28, 2026. Dkts. 22 & 24.

Because it appears debtor is actively prosecuting the case, the Motion is denied without prejudice.

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, David P. Cusick, 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 denied without prejudice.

22. [25-23696](#)-C-13 RUSSEL SAGE  
[DPC](#)-3 Mark Shmorgon

CONTINUED MOTION TO DISMISS  
CASE  
12-19-25 [[47](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 50.

**The Motion to Dismiss is granted, and the case is dismissed.**

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$2,100.00 delinquent in plan payments, which is supported by declaration. Dkt. 49.

Debtor filed an opposition (Dkt. 51) on December 19, 2025, asserting that debtor will be current on or before the hearing.

The Chapter 13 Trustee filed a status report on January 20, 2026 representing the debtor remains delinquent in plan payments.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

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

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, David P. Cusick, 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 granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.