

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Michael S. McManus  
Bankruptcy Judge  
Sacramento, California

**April 10, 2017 at 2:00 p.m.**

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1. 16-28148-A-13 ORLANDO VALENCIA AND MOTION TO  
JPJ-1 MARIA SANCHEZ DISMISS CASE  
3-15-17 [34]

- ☐ Telephone Appearance  
☐ Trustee Agrees with Ruling

**Tentative Ruling:** The motion will be conditionally denied.

The debtor proposed a plan within the time required by Fed. R. Bankr. P. 3015(b) but was unable to confirm it. The debtor thereafter failed to promptly propose a modified plan and set it for a confirmation hearing. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1) & (c)(5).

After the dismissal motion was filed, the debtor filed, served and set for hearing a motion to confirm a modified plan. It is set for hearing on May 15, 2017. Therefore, if the proposed modified plan is not confirmed at the May 15 hearing, the case will be dismissed on the trustee's ex parte application.

2. 16-27069-A-13 MARIA TORRES LOPEZ MOTION TO  
JPJ-2 DISMISS CASE  
3-2-17 [65]

**Final Ruling:** This motion to dismiss the case has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the the debtor to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(ii) is considered as consent to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9<sup>th</sup> Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9<sup>th</sup> Cir. 2006). Therefore, the defaults of the trustee and the respondent creditor are entered and the matter will be resolved without oral argument.

The motion will be granted and the case will be dismissed.

The debtor has failed to pay to the trustee approximately \$9,744 as required by the plan. The foregoing has resulted in delay that is prejudicial to creditors and suggests that the plan is not feasible. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1).

**April 10, 2017 at 2:00 p.m.**

3. 16-28073-A-13 JEFFREY/YELENA MAYHEW MOTION TO  
JPJ-2 DISMISS CASE  
3-14-17 [45]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

**Tentative Ruling:** The case will be dismissed.

First, the debtor has failed to pay to the trustee approximately \$2,600 as required by the last plan proposed by the debtor. The foregoing has resulted in delay that is prejudicial to creditors and suggests that the plan is not feasible. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1).

Second, the plan proposed by the debtor was denied confirmation on February 21. The debtor thereafter failed to promptly propose a modified plan and set it for a confirmation hearing. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1) & (c)(5).

4. 16-27995-A-13 THOMAS FOX MOTION TO  
JPJ-3 DISMISS CASE  
3-14-17 [50]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

**Tentative Ruling:** The case will be dismissed.

The debtor has failed to commence making plan payments and has not paid approximately \$3,050 to the trustee as required by the proposed plan. This has resulted in delay that is prejudicial to creditors and suggests that the plan is not feasible. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1) & (c)(4).