



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

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**April 25, 2023 at 2:00 p.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.

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/1607374774?pwd=Umk2M3JzZEJjK2E4RGZ6NUpJSjNwdz09>

**Meeting ID:** 160 737 4774

**Password:** 061340

**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 medicaid 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

April 25, 2023 at 2:00 p.m.

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1. [23-20020](#)-C-13 LARRY BUTLER

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
3-21-23 [[39](#)]

**Final Ruling:** No appearance at the April 25, 2023 hearing is required.  
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The above captioned case was dismissed on March 29, 2023. Dkt. 47.  
Therefore, the Order to Show Cause is dismissed 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.

April 25, 2023 at 2:00 p.m.

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**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 15 days' notice was provided. Dkt. 42.

**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 has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on January 10, 2023.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkts. 33-38.

A review of the docket shows the debtor filed a First Amended plan and corresponding Motion To Confirm on February 17, 2023. Dkts. 43 & 45. That plan was not confirmed at the hearing on March 28, 2023. Dkt. 58.

At the prior hearing, the motion to dismiss was continued to allow debtor to file a new plan that could be confirmed. A review of the docket shows that a new plan and corresponding motion to confirm has not been filed.

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, 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 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.

3. [23-20655](#)-C-13 JAMES FOX  
Peter Macaluso

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-5-23 [[16](#)]

**Final Ruling:** No appearance at the April 25, 2023 hearing is required.  
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The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on March 31, 2023. Dkt. 16.

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.

**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 March 13, 2023. Dkt. 60.

A review of the docket shows the payment has still not been made. Additionally, the third fee installment payment has come due and was not made. Dkt. 81.

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.

5. [22-22967](#)-C-13 TYHRA BARRON  
Matthew DeCaminada

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
3-20-23 [[34](#)]

**Final Ruling:** No appearance at the April 25, 2023 hearing is required.  
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The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on March 15, 2023. Dkt. 34.

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.

**Final Ruling:** No appearance at the April 25, 2023 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 18 days' notice was provided. Dkt. 31.

**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 failed to object to filed claims and has not filed a modified plan.

The Motion also argues debtor is \$1,600.00 delinquent in plan payments, which is supported by declaration. Dkt. 30.

Debtor filed a Notice of Conversion on March 29, 2023, however, converting the case to a proceeding under Chapter 7. Dkt. 33. 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 March 29, 2023. *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, 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 denied without prejudice as moot.