

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement  
Fresno Federal Courthouse  
510 19th Street, Second Floor  
Bakersfield, California

**PRE-HEARING DISPOSITIONS**

**DAY:** THURSDAY  
**DATE:** MAY 7, 2020  
**CALENDAR:** 9:00 A.M. CHAPTERS 13 AND 12 CASES

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

**No Ruling:** All parties will need to appear at the hearing unless otherwise ordered.

**Tentative Ruling:** If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

**Final Ruling:** Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

**Orders:** Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

1. [19-13807](#)-A-13     **IN RE: ROD/ANGELIQUE REED**  
[RSW-2](#)

MOTION TO CONFIRM PLAN  
3-13-2020    [[46](#)]

ROD REED/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.

**No Ruling**

2. [19-15045](#)-A-13     **IN RE: JESUS VELEZ**

ORDER TO SHOW CAUSE - FAILURE TO TENDER FEE FOR FILING  
TRANSFER OF CLAIM  
4-13-2020    [[96](#)]

STEVEN ALPERT/ATTY. FOR DBT.

**Tentative Ruling**

If the transfer of claim filing fee has not been paid in full by the time of the hearing, then the claim will be stricken.

3. [19-15045](#)-A-13     **IN RE: JESUS VELEZ**  
[PLG-2](#)

MOTION TO CONFIRM PLAN  
4-2-2020    [[85](#)]

JESUS VELEZ/MV  
STEVEN ALPERT/ATTY. FOR DBT.  
WITHDRAWN

**Final Ruling**

The motion having been withdrawn, the matter is dropped as moot.

4. [17-11454](#)-A-13     **IN RE: CHERYL JUAREZ**  
[PK-4](#)

MOTION TO INCUR DEBT  
4-16-2020    [[60](#)]

CHERYL JUAREZ/MV  
PATRICK KAVANAGH/ATTY. FOR DBT.

**No Ruling**

5. [19-15354](#)-A-13     **IN RE: CORINNA DE VELBISS**  
[MHM-2](#)

MOTION TO DISMISS CASE  
3-20-2020    [[35](#)]

MICHAEL MEYER/MV  
ROBERT WILLIAMS/ATTY. FOR DBT.

### **Final Ruling**

**Motion:** Dismiss Chapter 13 Case

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **CASE DISMISSAL**

Section 1308 of the Bankruptcy Code provides: "Not later than the day before the date on which the meeting of the creditors is first scheduled to be held under section 341(a), if the debtor was required to file a tax return under applicable nonbankruptcy law, the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition." 11 U.S.C. § 1308(a).

The debtor has failed to comply with this tax-filing requirement. The debtor failed to file 2015-2017 state and federal tax returns. The court will dismiss this case pursuant to § 1307(e).

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted based on the debtor's failure to comply with 11 U.S.C. § 1308(a)'s tax-filing requirement. The court hereby dismisses this case.

6. [16-10874](#)-A-13     **IN RE: ADOLPHO BARRERA**

ORDER TO SHOW CAUSE - FAILURE TO TENDER FEE FOR FILING  
TRANSFER OF CLAIM  
4-13-2020    [[34](#)]

PATRICK KAVANAGH/ATTY. FOR DBT.

**Tentative Ruling**

If the transfer of claim filing fee has not been paid in full by the time of the hearing, then the claim will be stricken.

7. [19-12274](#)-A-13     **IN RE: JULIO MARTINEZ AND BLANCA CHINCHILLA**  
[MHM-2](#)

MOTION TO SHORTEN TIME AND REQUEST THAT HEARINGS BE  
EXPEDITED TO MAY FOR THE MOTION OF THOMAS O. GILLIS  
4-20-2020    [[49](#)]

MICHAEL MEYER/MV  
THOMAS GILLIS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

**No Ruling**

8. [20-10378](#)-A-13     **IN RE: MARY ROMERO**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
4-8-2020    [[16](#)]

PHILLIP GILLET/ATTY. FOR DBT.  
\$231.00 FINAL INSTALLMENT PAYMENT 4/16/20

**Final Ruling**

The installment having been paid, the order to show cause is discharged. The case will remain pending.