UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto II
Department B – Courtroom #13
Fresno, California
Hearing Date: Wednesday, June 3, 2026

Unless otherwise ordered, all matters before the Honorable René Lastreto II, shall be simultaneously: (1) **In Person** at, Courtroom #13 (Fresno hearings only), (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 or their attorneys 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/attorney 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 and their attorneys who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest and/or their attorneys 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 who wish to attend by ZoomGov may only listen in to the hearing using the Zoom telephone number. Video participation or observing are not permitted.

- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may attend in person unless otherwise ordered.

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 media 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.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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, and all parties will need to appear at the hearing unless otherwise ordered. 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.

Post-Publication Changes: The court endeavors to publish its rulings as soon as possible. However, calendar preparation is ongoing, and these rulings may be revised or updated at any time prior to 4:00 p.m. the day before the scheduled hearings. Please check at that time for any possible updates

9:30 AM

1. 26-10909-B-13 **IN RE: CHRISTOPHER HINSON**
   LGT-2

   MOTION TO DISMISS CASE
   4-28-2026 [27]

   LILIAN TSANG/MV

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The court will issue an order.

The Chapter 13 trustee in the above-styled case ("Trustee") asks the court to dismiss this case under 11 U.S.C. §§ 349 and 1307 with a bar for future filings for a minimum of two years and assessing sanctions for future filings on the grounds that Christopher Hinson ("Debtor") is a serial filer and that this case was filed in bad faith. Doc. #27. This is the fifth petition filed by Debtor since June 2025 and all his prior cases were filed as "bare bones" petitions and dismissed prior to confirmation. *Id.*

Debtor did not oppose this motion. The motion will be GRANTED without oral argument for cause shown.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the Debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th 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 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Trustee has submitted a Declaration outlining Debtor's past filings and their dispositions. Doc. #29. It appears that since June 2025, Debtor has filed for bankruptcy in four prior cases: 25-11865 (Ch. 13), 25-13457 (Ch. 13), 25-13876 (Ch. 13) and 26-10311 (Ch. 13). *Id.* All those cases were filed *pro se*, as was the instant case, and all four of the prior cases were dismissed prior to plan confirmation (or even the filing of a plan) for failure to timely file documents. *Id.*

Generally, dismissals of individual bankruptcy cases are governed by § 349 and § 109(g) of the Code. Section 349 states that dismissal of a bankruptcy does not "prejudice the debtor with regard to filing of a subsequent petition under this title, except as provided in section 109(g)." 11 U.S.C. § 349(a). Section 109(g) bars individuals from being debtors under the Code who have, within the preceding 180 days, had a prior case dismissed "for willful failure of the debtor to abide by orders of the court or to appear before the court in proper prosecution of the case." 11 U.S.C. § 109(g). Viewed in tandem, these Code provisions state the general proposition that a court may only impose a 180-day bar on refiling by a debtor after dismissing the debtor's case with a finding of willful failure to abide by the court's orders, which certainly seems to be the case here.

However, § 349 also implicitly empowers the court, *for cause,* to order the dismissal of a case and to impose a bar on the filing of any subsequent petition for periods longer than 180 days, or even permanently. *Leavitt v. Soto (In re Leavitt)*, 171 F.3d 1219, 1223 (9th Cir. 1999)(*superseded on other grounds as recognized by In re Burkes*, Nos. 21-23813-rmb, 22-20431-rmb, 2023 Bankr. LEXIS 2401, at *17 (Bankr. E.D. Wis. Sep. 29, 2023). *See also In re Duran v. Rojas*, 630 B.R. 797 (B.A.P. 9th Cir. 2021).

As the *Leavitt* court noted, the Code does not specifically define "cause" in the context of bankruptcy dismissal. *Leavitt*, 171 F.3d at 1224. However, the Ninth Circuit went on to note that "bad faith" is a "cause" for dismissal under § 1307(c), and the court reasoned that "bad faith based on egregious behavior can justify dismissal with prejudice." *Id.* To reach such justification, *Leavitt* continues, a bankruptcy court should consider "the totality of the circumstances," taking into account the following factors: (1) whether the debtor "misrepresented facts in his [petition or] plan, unfairly manipulated the Bankruptcy Code, or otherwise [filed] his Chapter 13 [petition or] plan in an inequitable manner"; (2) the debtor's history of filings and dismissals"; (3) whether "the debtor only intended to defeat state court litigation"; and (4) whether egregious behavior is present. *Id.* (citations omitted).

"[T]he court is not obligated to count the four *Leavitt* factors as though they present some sort of a box-score but rather is to consider them all and weigh them in judging the 'totality of the circumstances.'" *In re Lehr*, 479 B.R. 90, 98 (Bankr. N.D. Cal. 2012). The court considers the *Leavitt* factors under the "preponderance of the evidence" standard. *In re Dores*, 2017 Bankr. LEXIS 1539, at *14 (Bankr. E.D. Cal. June 7, 2017).

Here, Debtor's history of filings and dismissals clearly demonstrates an unfair manipulation of the Bankruptcy Code. Prior to the instant case, Debtor has filed for chapter 13 *four* times in just eleven (11) months. In each case, the Debtor filed a "bare bones" petition and ignored the ensuing *Notice of Incomplete Filing*, leading inevitably to the dismissal of the case. Thus, the first and second *Leavitt* factors support the finding of bad faith.

It is impossible to say one way or the other whether Debtor's goal is to defeat any pending state court litigation because Debtor's obstinate refusal to provide any documentation of his financial affairs beyond the petition itself gives the court no information upon which to base such a determination. However, the court finds it suggestive that in each of his prior four cases, Debtor's petition was accompanied by a *Verification and Master Address List* which purported to identify his creditors, though each only listed two such creditors with no indication of the nature of the underlying debts. *See* Case No. 25-11865, Doc. #4, Case No. 25-13457, Doc. #4, Case No. 25-13876, Doc. #4 *and* Case No. 26-10311, Doc. #4.

The court must consider whether Debtor's conduct is "egregious" and has little reservation about making such a finding. By way of comparison, the court in *Davis v. Brest-Taylor* applied the *Leavitt* factors and found the debtor's conduct egregious in part because of "[t]he sheer numerosity of filings." 572 B.R. 750, 756 (Bankr. E.D. Cal. 2017). In that case, the debtor had filed six bankruptcies within the preceding eight years, all of which had been dismissed for failure to file documents, make payments, or perform other obligations under the Bankruptcy Code. *Davis*, 572 B.R. at 756. The Debtor in the instant case has filed four bankruptcies within a shorter span of time, and the court has little difficulty in finding such conduct to be egregious.

Based on the foregoing analysis, the *Leavitt* factors clearly militate towards a finding of bad faith under § 349 on the part of this Debtor that is sufficient to justify the requested two-year bar against refiling. Accordingly, it is hereby ordered that:

1. This motion is GRANTED.
2. This Chapter 13 case will be DISMISSED FOR CAUSE AND WITH PREJUDICE.
3. Debtor Christopher Hinson is hereby barred from filing a bankruptcy petition without leave of the court for a period of two (2) years from the entry of this order.
4. Leave of court shall be obtained by Debtor Christopher Hinson attaching to a future bankruptcy petition, while this order is effective, a declaration under oath stating his specific reasons for filing the petition and this order. The petition, declaration, and this order shall be presented to the Chief Judge of the United States Bankruptcy Court for the Eastern District of California. Said petition shall be filed only if permitted by the Chief Bankruptcy Judge.
5. Any bankruptcy case filed in violation of this order by Debtor shall be deemed null and void and dismissed without notice to Debtor.

6. If Debtor violates this Order by filing a bankruptcy petition within the two (2) years following the entry of this order without permission from the court, the court will issue an order to show cause why further sanctions including compensatory and coercive monetary sanctions should not be awarded against Debtor.

2. 24-11213-B-13 **IN RE: JEANNE CHRISTENSEN**
TRF-1

MOTION FOR RELIEF FROM AUTOMATIC STAY
5-15-2026 [74]

SUPERIOR LOAN SERVICING/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
MATTHEW AGUIRRE/ATTY. FOR MV.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

ORDER: The minutes of the hearing will be the court's findings and conclusions. Order preparation determined at the hearing.

Superior Loan Servicing, as servicing agent for Equity Trust Company Custodian FBO Timothy G. Hanagan IRA, and Timothy Hanagan, individually ("Movant"), moves for relief from the automatic bankruptcy stay under 11 U.S.C. § 362(d)(1) [for cause] so that Movant may proceed with a trustee's sale of the real property owned by Jeanne Christensen ("Debtor") located at 1721 Zermatt Drive, Frazier Park, California (the "Property"). Doc. 74.

Written opposition was not required and may be presented at the hearing. In the absence of opposition, this motion will be DENIED.

This motion was filed and served pursuant to Local Rule of Practice ("LBR") 9014-1(f)(2) and will proceed as scheduled. For the reasons outlined below, the court is inclined to DENY the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

11 U.S.C. § 362(d)(1) allows the court to grant relief from the stay for cause, including the lack of adequate protection. "Because there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be determined on a case-by-case basis." *In re Mac Donald*, 755 F.2d 715, 717 (9th Cir. 1985).

Debtor's Chapter 13 Plan was confirmed on December 17, 2024. Docs. #3, #63. The confirmed plan placed Movant in Class 1 and proposed to pay an arrearage of $15,099.84 at 0% at $251.66 per month and to make post-petition monthly payments of $2,699.98 through the plan. Doc. #3. Movant did not object to these terms. *See Docket generally.*

On May 15, 2026, Movant filed the instant motion seeking stay relief. Doc. #74. Movant relies on the language from the Promissory Note attached to Movant's Proof of Claim. *See POC #9-1 (Attachment 1).* According to the Promissory Note, Debtor was to pay $2,699.98 per month from July 1, 2023, through June 1, 2025, with a balloon payment due immediately thereafter. *Id.* Debtor filed this case on May 3, 2024, and, according to Movant's position, Debtor became obligated to make the balloon payment when it came due on June 1, 2025. Doc. #77. Instead, Debtor, consistent with the confirmed plan, has continued making monthly payments of $2,699.98. The Plan does not address the balloon payment in any capacity. Doc. #3.

In the court's view, Movant's position fails to address the issue of payment modifications under 11 U.S.C. § 1322(c)(2) and § 1325(a). The former Code provision states:

> (c) Notwithstanding subsection (b)(2) and applicable non-bankruptcy law —
>
> > ...
> >
> > (2) in a case in which the last payment on the original payment schedule for a claim secured only by a security interest in real property that is the debtor's principal residence is due before the date on which the final payment under the plan is due, the plan may provide for the payment of the claim as modified pursuant to § 1325(a)(5) of this title.

11 U.S.C. § 1322(c)(2). Section 1325(a)(5), *inter alia*, states three conditions, one of which must be met in order to confirm a plan when there is an allowed secured claim that is being modified under § 1322(c)(2):

1. The creditor must accept the plan as proposed;
2. The debtor must surrender the property; or
3. The plan must make certain provisions relating to the subject creditor, specifically that Movant retain its lien, that the value of the property is not less than the allowed amount of the claim, and that the proposed periodic payments are in equal monthly amounts.

11 U.S.C. § 1325(a)(5). As the court has noted, the Plan was confirmed without any objection from Movant, and Movant's silence equals acceptance of the plan as proposed. *See Andrews v. Loheit (In re*

Andrews), 49 F.3d 1404, 1409 (9th Cir. 1995)("Here, § 1325(a)(5) is fulfilled because subsection (A) was satisfied when the holders of the secured claims failed to object. In most instances, failure to object translates into acceptance of the plan by the secured creditor.")

Having consented to the treatment of its claim as outlined in the plan (60 period monthly payments of $2,699.98), Movant cannot now claim that Debtor has defaulted on the balloon payment which was not contemplated by the plan.

Of course, that may represent a pyrrhic victory for Debtor. Section 1322(c) provides that "if the last payment on the original payment schedule for such a mortgage is due before the final payment under the plan is due the debtor may pay the claim as modified pursuant to § 1325(a)(5)[i.e. by dividing the remaining balance owed on the loan into periodic payments over the life of the plan]." 8 Collier on Bankruptcy ¶ 1322.17.

In other words, even if Debtor was not obligated to pay off the balloon payment entirely in June 2025, Debtor remains obligated to pay off the outstanding balance over the life of the plan, and it appears unlikely to the court that $2,699.98 a month for the remaining life of the plan will be adequate to pay a balance Movant estimates to be $304,106.31. If Debtor wishes to retain her home post-petition, Debtor will likely need to seek modification of the Plan or else Object to allowance of Movant's claim. Also, it is unclear to the court whether regular payments have continued to be made by the Trustee notwithstanding the balloon payment due last year.

Written opposition was not required, and opposition may be presented at the hearing. For the reasons outlined above, the court is inclined to DENY this motion.

3. 25-12027-B-13 **IN RE: ROSARIO HARO**
SL-1

MOTION TO MODIFY PLAN
4-24-2026 [18]

ROSARIO HARO/MV
SCOTT LYONS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

Rosario Haro ("Debtor") moves for an order confirming the *First Modified Chapter 13 Plan* dated April 24, 2026, 2026. Docs. #18, #20. Debtor's current plan was confirmed on August 7, 2025. Doc. #13.

No party has timely objected.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of any party in interest, including but not limited to creditors, the U.S. Trustee, and the case Trustee, to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest are entered. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987).

The motion requests that the confirmed plan be modified as follows:

1. Debtor to make aggregate payments of $34,200.00 in months 1-9. Monthly plan payments will be reduced from $3,800.00 to $2,600.00 commencing in month 10.
2. The dividend to unsecured creditors will remain at 100%, but the amount of unsecured claims to be paid in Class 7 is reduced from $137,683.00 to $82,966.51.
3. The plan is otherwise unchanged.

Compare Docs. #3 *and* #22.

Debtor avers that this modification is necessary because Debtor has separated from her non-filing spouse with divorce proceedings imminent and because Debtor's pay has decreased significantly because she no longer receives overtime pay. Doc. #21. This is confirmed by Debtors' *Amended Schedule I & J*, dated May 18, 2026, which reflects a monthly net income of $3,028.82, down from $6,989.01, which was their monthly net income as calculated in their petition documents. *Compare* Docs. #1 (Schedules I & J) *and* #24 (Amended Schedules I & J).

No party in interest has objected, and the defaults of all non-responding parties in interest are entered. This motion is GRANTED. The order shall include the docket control number of the motion, shall reference the plan by the date it was filed, and shall be approved as to form by Trustee.

4. 22-10957-B-13 **IN RE: BRYAN URNER AND JULIE VANDERNOOR URNER**
LGT-3

MOTION TO DISMISS CASE
5-4-2026 [97]

LILIAN TSANG/MV
ROBERT WILLIAMS/ATTY. FOR DBT.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to July 8, 2026, at 9:30 a.m.

ORDER: The court will issue an order.

This matter is hereby CONTINUED to July 8, 2026, at 9:30 a.m. to be heard in conjunction with the *Motion to Confirm Debtors' Fourth Chapter 13 Plan*, dated June 1, 2026.

5. 26-10477-B-13 **IN RE: RONNIE/TOWANA JOHNSON**
BRL-2

MOTION FOR RELIEF FROM AUTOMATIC STAY AND/OR MOTION FOR ADEQUATE PROTECTION
5-19-2026 [53]

VALERIE THOMPSON AND HELEN THOMPSON, TRUSTEES OF THE
DAVID JOHNSTON/ATTY. FOR DBT.
BENJAMIN LEVINSON/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This motion will be DENIED WITHOUT PREJUDICE for failure to comply with the Local Rules of Practice ("LBR") **OR** the Federal Rules of Bankruptcy Procedure ("the Rules").

Rule 4001(a)(1) requires motions for relief from the automatic stay to be made in accordance with Rule 9014. Rule 9014(b) requires motions in contested matters to be served upon the parties against whom relief is being sought pursuant to Rule 7004. Since this motion will affect property of the estate, the Chapter 13 Trustee and the Debtor must be served in accordance with Rule 7004.

Also, Rule 7004(g) states that "[i]f, when served, a debtor is represented by an attorney, the attorney must also be served by any means authorized by Fed. R. Civ. P. 5(b)." In this instance, the Certificate of Service does not list Debtors' counsel as someone who was served.

The court notes that the Trustee and Debtor's counsel may have received electronic notice under Rule 7005 (the box for which was checked on the Certificate of Service), but for a contested matter such as a motion for stay relief, Rule 7004 service is required, and electronic service is not allowed under Rule 7004.

For the above reason(s), this motion will be DENIED WITHOUT PREJUDICE.

6. 26-11281-B-13 **IN RE: DAVID/ALICIA MORRIS**
RSW-1

MOTION TO VALUE COLLATERAL OF REGIONAL ACCEPTANCE COMPANY
5-1-2026 [18]

ALICIA MORRIS/MV
ROBERT WILLIAMS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

David and Alicia Morris (collectively "Debtors") move for an order valuing a 2020 Dodge 1500 Crew Cab Bighorn 4WD ("Vehicle") at $24,350.00 under 11 U.S.C. § 506(a). Doc. #18. Vehicle is encumbered by a purchase money security interest in favor Regional Acceptance Company ("Creditor"). *Id.*

Debtor complied with Fed. R. Bankr. Pro. Rules 3012(b) and 7004(b)(3) by serving Creditor a copy of the motion by first-class mail to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. Doc. #22. In this case, Debtors served Creditor at its business address to the attention of "President" and at Creditor's agent for service of process. *Id.*

No party in interest timely filed written opposition. This motion will be GRANTED.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th 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 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

11 U.S.C. § 1325(a)(*) (the hanging paragraph) states that 11 U.S.C. § 506 is not applicable to claims described in that paragraph if (1) the creditor has a purchase money security interest securing the debt that is the subject of the claim, (2) the debt was incurred within 910 days preceding the filing of the petition, and (3) the collateral is a motor vehicle acquired for the personal use of the debtor.

11 U.S.C. § 506(a)(1), which applies to all debtors under this title, states:

> An allowed claim of a creditor secured by a lien on property in which the estate has an interest, or that is subject to setoff under section 553 of this title, is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property, or to the extent of the amount subject to setoff, as the case may be, and is an unsecured claim to the extent that the value of such creditor's interest or the amount so subject to set off is less than the amount of such allowed claim. Such value shall be determined in light of the purpose of the valuation and of the proposed disposition or use of such property, and in conjunction with any hearing on such disposition or use or on a plan affecting such creditor's interest.

11 U.S.C. § 506(a)(2) states:

> If the debtor is an individual in a case under chapter 7 or 13, such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of the filing of the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined.

Here, David Morris ("David") declares that Debtors borrowed money from Creditor to purchase Vehicle in May 2, 2021, which is more than 910 days preceding the March 25, 2026 petition date. Doc. #20; POC #10-1. Thus, the elements of § 1325(a)(*) are not met and § 506 is applicable.

David further declares Vehicle has a replacement value of $24,350.00. Doc. #20. Debtor is competent to testify as to the value of the Vehicle. Given the absence of contrary evidence, the debtor's opinion of value may be conclusive. *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

No party in interest timely filed written opposition. Accordingly, this motion will be GRANTED. Creditor's secured claim will be fixed at

$24,350.00. The proposed order shall specifically identify the collateral and the proof of claim to which it relates. The order will be effective upon confirmation of the chapter 13 plan.

7. 26-10085-B-13 **IN RE: CHRISTINA/CHEYENNE WELBORN**
KLG-2

MOTION TO CONFIRM PLAN
4-27-2026 [57]

CHEYENNE WELBORN/MV
ARETE KOSTOPOULOS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

Christina and Cheyenne Welborn ("Debtors") move for an order confirming the *First Modified Chapter 13 Plan* dated April 23, 2026. Docs. ##56-57. No plan has been confirmed so far.

No party has timely objected.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of any party in interest, including but not limited to creditors, the U.S. Trustee, and the case Trustee, to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Therefore, the defaults of the above-mentioned parties in interest are entered. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987).

The First Modified Chapter 13 Plan proposes the following terms:

1. Monthly plan payments will be $4,950.67 for months 1-2 and $5,071.31 for months 3-60.
2. Attorney's fees of $9,613.00 to be paid through the plan.
3. Secured creditors to be sorted into classes and treated as follows:
    a. Towne Mortgage Company (Class 1. Mortgage on 47315 Navajo Ave., Coarsegold, CA). $41,420.41 at 0% interest to be paid at $690.34 per month. Ongoing payments of $2,142.06 will be paid through the plan.

b. Santander Consumer USA (Class 2(A). Non-PMSI loan secured by 2019 Chevy Camaro). $35,174.92 at 8.00% to be paid at $713.22 per month.
c. Toyota Financial Services (Class 2(A). Non-PMSI loan secured by 2019 Toyota Tundra). $32,619.30 at 7.75% to be paid at $657.51 per month.
d. Hyundai Capital America (Class 3. 2019 Nissan Altima. Debtor's son drives and pays. Debtors to surrender interest.)
e. U.S. Dept. of Housing and Urban Development (Class 4. 47315 Navajo Ave., Coarsegold, CA). Debtor to make payments. No payments due until house is sold.

4. A 3.96% dividend to general unsecured creditors with claims estimated at approximately $83,630.00.

Doc. #30.

This motion was set for hearing on 35 days' notice as required by Local Rule of Practice ("LBR") 3015-1(d)(1). The failure of the creditors, the chapter 13 trustee, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th 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 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amounts of damages). *Televideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion will be GRANTED. The confirmation order shall include the docket control number of the motion and reference the plan by the date it was filed.

8. 26-10789-B-13 **IN RE: PAULO MACIEL**
LGT-2

MOTION TO DISMISS CASE
5-1-2026 [29]

LILIAN TSANG/MV
PETER MACALUSO/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order.

The chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by debtor that is prejudicial to creditors and 11 U.S.C. § 1307(c)(4) debtor's failure to commence making plan payments. Doc. #29. Paul Maciel ("Debtor") did not oppose.

Unless the trustee's motion is withdrawn before the hearing, the motion will be GRANTED without oral argument for cause shown.

This motion was set for hearing on 28 days' notice as required by Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th 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 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). *Televideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires that a plaintiff make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." *Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth)*, 455 B.R. 904, 915

(B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay.

As of May 1, 2026, Debtor is delinquent in the amount of $2,000.00. Doc. #31. Before this hearing, another payment in the amount of $1,000.00 will also come due.

The trustee has reviewed the schedules and determined that the Debtor's assets are over encumbered and are of no benefit to the estate. Because there is no equity to be realized for the benefit of the estate, dismissal is in the best interest of creditors and the estate. Doc. #29. Though the Trustee's proof neglected to include any analysis of whether there was non-exempt equity that may benefit unsecured creditors if there was a conversion, the court in this case agrees with the Trustee that dismissal is in the best interests of creditors.

Accordingly, the motion will be GRANTED, and the case dismissed.

9. 26-10909-B-13 **IN RE: CHRISTOPHER HINSON**

CONTINUED ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
5-7-2026 [31]

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

The court is granting the trustee's Motion to Dismiss [LGT-2] matter #1 above, therefore this Order to Show Cause for Failure to Pay Fees (Doc. #31) will be DENIED AS MOOT.

11:00 AM

1. 24-12751-B-7 **IN RE: BIKRAM SINGH AND HARSIMRAN SANDHU**
   24-1062 CAE-1

   CONTINUED STATUS CONFERENCE RE: COMPLAINT
   12-27-2024 [1]

   AMERICAN AGCREDIT, FLCA ET AL V. SINGH ET AL
   MICHAEL GOMEZ/ATTY. FOR PL.

NO RULING.

2. 24-12751-B-7 **IN RE: BIKRAM SINGH AND HARSIMRAN SANDHU**
   24-1063 CAE-1

   CONTINUED STATUS CONFERENCE RE: COMPLAINT
   12-27-2024 [1]

   FARM CREDIT SERVICES OF AMERICA, PCA V. SINGH ET AL
   MICHAEL GOMEZ/ATTY. FOR PL.

NO RULING.

3. 24-24053-B-13 **IN RE: BOUGNAVETH/KHAMPHOUVY PHOMMARATH**
   26-2020 CAE-1

   STATUS CONFERENCE RE: COMPLAINT
   3-20-2026 [1]

   PHOMMARATH V. MOHELA
   ELLIOT GALE/ATTY. FOR PL.

FINAL RULING: There will be no hearing in this matter.

DISPOSITION: Continued to July 15, 2026, at 11:00 a.m.

ORDER: The court will prepare the order.

On June 1, 2026, Khamphouvy Phommarath ("Plaintiff") filed a pre-hearing statement indicating that Plaintiff would be filing an amended complaint out of concern that the existing complaint did not properly name the Defendant. Doc. #10. Plaintiff requests that this Status Conference be continued to allow time for service of the amended complaint. *Id.*

The court finds this request to be well-taken. This Status Conference will be CONTINUED to July 15, 2026, at 11:00 a.m.

4. 21-12473-B-7 **IN RE: BLAIN FARMING CO., INC.**
   23-1040 BK-5

   CONTINUED STATUS CONFERENCE RE: MOTION FOR LEAVE TO AMEND COMPLAINT
   2-9-2026 [100]

   KING V. BLAIN

FINAL RULING: There will be no hearing in this matter.

DISPOSITION: Concluded and dropped from the calendar.

ORDER: The court will prepare the order.

On April 3, 2026, the court granted the Plaintiff's motion for leave to amend the Complaint. Doc. #119. Plaintiff filed the Amended Complaint on April 13, 2026, and Defendant filed an Answer to the Amended Complaint on April 21, 2026. Docs. #123, #125. Accordingly, this Status Conference is CONCLUDED and DROPPED from the calendar.

5. 21-12473-B-7 **IN RE: BLAIN FARMING CO., INC.**
   23-1040 CAE-1

   STATUS CONFERENCE RE: AMENDED COMPLAINT
   4-13-2026 [123]

   KING V. BLAIN
   RESPONSIVE PLEADING

FINAL RULING: There will be no hearing in this matter.

DISPOSITION: Continued to September 2, 2026, at 11:00 a.m.

ORDER: The court will prepare the order.

On May 27, 2026, the Defendant in this adversary proceeding filed a Status Report advising that Defendant had propounded discovery on the Plaintiff on May 13, 2026, and that, upon receipt of Plaintiff's Responses, Defendant would make a determination of whether additional discovery was necessary. Doc. #127. Defendant stated that he believed any additional discovery would be completed by August 2026 and, accordingly, Defendant requested a continuance to the beginning of September with the expectation that a trial date and all related dates could be set at that time. *Id.*

The court finds this suggestion well-taken. This Status Conference is hereby CONTINUED to September 2, 2026, at 11:00 a.m.

6. 26-10189-B-7 **IN RE: MAC ARTEAGA**
26-1003 CAE-1

STATUS CONFERENCE RE: COMPLAINT
2-9-2026 [1]

ARTEAGA V. U.S. DEPARTMENT OF EDUCATION ET AL
REISSUED SUMMONS 6/10/26

FINAL RULING: There will be no hearing in this matter.

DISPOSITION: Concluded and dropped from the calendar.

ORDER: The court will prepare the order.

On April 13, 2026, a summons was reissued in this case with an initial Status Conference set for June 10, 2026. Doc. #12. Accordingly, this Status Conference, which was set by the Summons issued on April 8, 2026, will be CONCLUDED and DROPPED from the calendar.

7. 26-10698-B-7 **IN RE: FELIX/MAGDALENA DELGADILLO**
26-1013 CAE-1

STATUS CONFERENCE RE: COMPLAINT
4-2-2026 [1]

DELGADILLO V. UNITED STATES DEPARTMENT OF EDUCATION

FINAL RULING: There will be no hearing in this matter.

DISPOSITION: Concluded and dropped from the calendar.

ORDER: The court will prepare the order.

This matter comes before the court on the matter of the Status Conference scheduled in the above-styled adversary proceeding. CAE-1. Finding that service of the Complaint was deficient for several reasons, this Status Conference will be DROPPED from the calendar.

Service on a government agency is governed by Rule 7004(b)(4) and (b)(5), which state that service on the United States must be effectuated by mailing the summons and complaint via First Class Mail to (i) the civil-process in the United States attorney's office in the district where the action is filed; (ii) the Attorney General of the

United States in Washington, D.C.; and (iii) in an action attacking the validity of an order of a United States officer or agency that is not a party, also to that officer or agency. Fed. R. Bankr. 7004(b)(4)-(5). In other words, for any adversary proceeding brought against a government agency, the plaintiff must serve the summons and complaint to the local U.S. Attorney's office, to the attention of the U.A. Attorney General, and to the attention of the named individual overseeing that agency.

Here, the Certificate of Service reflects that Plaintiff ostensibly served Todd Blanche, the current Acting U.S. Attorney General, but the address at which Blanche was served is the address for the U.S. Department of Education ("DOE"). Doc. #6. The U.S. Attorney for this district was served, but the Complaint was not served to the attention of the agency head for the DOE. *Id.*

Also, service on corporations is governed by Rule 7004(b)(3) and can be accomplished by mailing a copy of the pleadings to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process, and if required by statute, by also mailing a copy to the defendant.

The Certificate of Service indicates that Plaintiff served "Mohela Navient" at:

> Mohela Navient
> Mohela Attn Bankruptcy
> 633 Spirit Dr.
> Chesterfield MO 63005-1243

Doc. #6.

However, Mohela and Navient are separate entities, both corporations. While Mohela was served at its place of business, service was not to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process but simply to "Mohela Attn Bankruptcy." *Id.* This is inadequate service under Rule 7004(b)(3). Furthermore, Navient was not served separately at its own business address and to the attention of someone authorized to receive service under Rule 7004(b)(3).

Finally, the Certificate of Service itself makes use of an outdated form. LBR 7005-1 requires service of pleadings and other documents in adversary proceedings, contested matters, and all other proceedings in this district that are filed by attorneys, trustees, or other Registered Electronic Filing System Users to document their service of any such pleadings and/or documents by filing a certificate of service and using the ***Official Certificate of Service Form*, EDC 007-005**. That form can be found on the court's website at https://www.caeb.uscourts.gov/CertificateOfServiceForm (visited November 14, 2026). Movants instead used Form EDC 2-080 (Revised

10/17/2022). When serving the Complaint pursuant to the renewed summons, Plaintiff must use the proper Certificate of Service form.

For the foregoing reasons, the court finds that service of the Complaint was deficient. Accordingly, this Status Conference is CONCLUDED and DROPPED from the calendar. Plaintiff shall forthwith request a Renewed Summons from the Bankruptcy Clerk’s Office and obtain proper service of the Complaint as to all Defendants consist with the Rules identified above.