

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

October 31, 2023 at 1:00 p.m.

1.	23-22720 -B-13	KAREEM SYKES	ORDER TO SHOW CAUSE - FAILURE
		Peter G. Macaluso	TO PAY FEES
			9-18-23 [31]

Final Ruling

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due September 13, 2023. The court's docket reflects that the default was cured on October 4, 2023. The payment constituted the final installment.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes and the case SHALL REMAIN PENDING.

The court will issue an order.

October 31, 2023 at 1:00 p.m.

2. [23-22920](#)-B-13 MARK JOHNSON
Eric John Schwab

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-11-23 [[19](#)]

Final Ruling

The court's decision is to sustain the Order to Show Cause and order the case dismissed.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due September 13, 2023. The court's docket reflects that the default has not been cured.

The order to show cause is ORDERED SUSTAINED for reasons stated in the minutes and the case is DISMISSED.

The court will issue an order.

3. [23-22326](#)-B-13 SHANNON TUERS
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-18-23 [[28](#)]

Final Ruling

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtor to pay the filing fee in installments.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the \$78.00 installment when due on September 12, 2023. While the delinquent installment was paid on October 5, 2023, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will issue an order.

4. [23-22530](#)-B-13 SHA SHAVONDILA PIERSON
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
10-4-23 [[30](#)]

Final Ruling

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtor to pay the filing fee in installments.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the \$78.00 installment when due on September 29, 2023. While the delinquent installment was paid on October 16, 2023, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will issue an order.

5. [23-21845](#)-B-13 JOSEPH MOORE MOTION TO DISMISS CASE
[LGT](#)-1 G. Michael Williams 10-17-23 [[42](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to **conditionally grant the motion and continue the matter to November 7, 2023, at 1:00 p.m.**

First, the Debtor is delinquent under the plan in the sum of \$13,140.00. No payments have been made to date. 11 U.S.C. § 1307(c)(4).

Second, objections to confirmation of Debtor's original plan were heard and sustained on August 22, 2023. To date, the Debtor has not filed, set, and served an amended plan. This is an unreasonable delay by the Debtor that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is conditionally granted and the case will be dismissed.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, November 3, 2023, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on November 7, 2023, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on November 7, 2023, at 1:00 p.m.

6. [22-21861](#)-B-13 BASILIO MIRANDA
[LGT](#)-1 Natali A. Ron

MOTION TO DISMISS CASE
10-11-23 [[50](#)]

Final Ruling

The Chapter 13 Trustee moves to dismiss the case on grounds that payments are not current after the Debtor failed to refinance or sell his residence in month 13. The plan term is for 13 months.

Debtor's successor-in-interest widow and his daughter request that the court continue this motion for 60 days to allow a refinance to be finalized. They state that they have been preliminarily approved for a refinance, which took some time because the home was held solely in deceased debtor's name and required the assistance of a probate lawyer.

Problematic with the response is that there is no indication that the Chapter 13 Trustee was served. No proof of service appears to have been filed.

Nevertheless, the court will continue the hearing on the motion to dismiss to November 14, 2023, at 1:00 p.m. Successor shall file a certificate of service or serve the Chapter 13 Trustee by no later than October 31, 2023. The Chapter 7 Trustee shall file a response by November 7, 2023, stating approval or disapproval of a continuance for an additional 45 days from November 14, 2023.

The motion is ORDERED CONTINUED to November 14, 2023, at 1:00 p.m.

The court will issue an order.

7. [23-20383](#)-B-13 LORAINIE/WINNIEFREDO MOTION TO DISMISS CASE
[LGT](#)-1 MACANDOG 10-17-23 [[55](#)]
Peter L. Cianchetta

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to deny the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss the case on grounds that the Debtors filed three plans that were all denied confirmation. The Trustee states that this is an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1).

Debtors filed an opposition stating that they have not caused an unreasonable delay that is prejudicial to creditors because an amended plan was filed on October 25, 2023. The confirmation hearing is set for December 5, 2023.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to **conditionally grant the motion and continue the matter to November 7, 2023, at 1:00 p.m.**

The Chapter 13 Trustee's objection to confirmation was heard and sustained on August 22, 2023. To date, the Debtor has not filed, set, and served an amended plan. This is an unreasonable delay by the Debtor that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is conditionally granted and the case will be dismissed.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, November 3, 2023, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on November 7, 2023, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on November 7, 2023, at 1:00 p.m.