

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Michael S. McManus
Bankruptcy Judge
Sacramento, California

November 19, 2018 at 2:00 p.m.

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1. 17-26109-A-13 GREGORY HOVEY MOTION TO
JPJ-4 DISMISS CASE
10-2-18 [36]

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 debtor and the trustee 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 (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.

The motion will be granted and the case dismissed.

The debtor has failed to pay to the trustee approximately \$4,412 as required by the confirmed 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).

2. 18-21884-A-13 ERIC/ADINA HENDERSON MOTION TO
JPJ-2 DISMISS CASE
10-26-18 [52]

Tentative Ruling: The motion will be conditionally denied.

There is cause for dismissal. First, the debtor has failed to pay to the trustee approximately \$4,412 as required by the plan. The foregoing has resulted in delay that is prejudicial to creditors and suggests that the plan is not feasible. See 11 U.S.C. § 1307(c)(1). Second, the court denied confirmation of the plan but, until this motion was filed, the debtor took no steps to confirm a modified plan.

After the motion was filed, the debtor proposed a modified plan. On condition that the modified plan is confirmed on December 10, the case will remain pending. If not confirmed, the case will be dismissed on the trustee's ex parte motion.

3. 18-22889-A-13 SHEILA FRANCOIS MOTION TO
JPJ-2 DISMISS CASE
10-29-18 [82]

Tentative Ruling: The motion will be granted and the case dismissed.

November 19, 2018 at 2:00 p.m.

The debtor has failed to pay to the trustee approximately \$7,600 as required by the confirmed 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).