

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

Honorable Christopher D. Jaime
Robert T. Matsui U.S. Courthouse
501 I Street, Sixth Floor
Sacramento, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: November 28, 2023

CALENDAR: 1:00 P.M. CHAPTER 13

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 and no appearance is necessary. 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 seven (7) days of the final hearing on the matter.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

November 28, 2023 at 1:00 p.m.

1. [23-21010](#)-B-13 EARL SPARKES MOTION TO DISMISS CASE
[LGT](#)-1 Anh V. Nguyen 11-14-23 [[79](#)]

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 to dismiss case and continue the matter to December 5, 2023, at 1:00 p.m.**

First, Debtor is delinquent in plan payments in the amount of \$836.00. The last payment was received on October 18, 2023. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(4).

Second, Debtor has filed multiple plans, all of which have been denied confirmation. The Debtor has failed to file, set, and serve an amended plan. Debtor's failure to perform his duties 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, December 1, 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 December 5, 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 December 5, 2023, at 1:00 p.m.

November 28, 2023 at 1:00 p.m.

2. [23-22326](#)-B-13 SHANNON TUERS ORDER TO SHOW CAUSE - FAILURE
Thru #4 Pro Se TO PAY FEES
10-17-23 [[38](#)]

CASE DISMISSED: 11/16/23

Final Ruling

The case having been dismissed on November 16, 2023, the order to show cause is discharged as moot.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the minutes.

The court will issue an order.

3. [23-22326](#)-B-13 SHANNON TUERS ORDER TO SHOW CAUSE - FAILURE
Pro Se TO PAY FEES
10-26-23 [[42](#)]

CASE DISMISSED: 11/16/23

Final Ruling

The case having been dismissed on November 16, 2023, the order to show cause is discharged as moot.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the minutes.

The court will issue an order.

4. [23-22326](#)-B-13 SHANNON TUERS MOTION TO DISMISS CASE
LGT-2 Pro Se 11-14-23 [[49](#)]

CASE DISMISSED: 11/16/23

Final Ruling

The case having been dismissed on November 16, 2023, the motion to dismiss case is denied as moot.

The order to show cause is ORDERED DENIED AS MOOT for reasons stated in the minutes.

The court will issue an order.

5. [23-22530](#)-B-13 SHA SHAVONDILA PIERSON
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
11-3-23 [[47](#)]

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 \$78.00 due October 30, 2023. The court's docket reflects that the default was cured on November 14, 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.

6. [23-23845](#)-B-13 TERRY FASY
[PGM](#)-1 Peter G. Macaluso

CONTINUED MOTION TO IMPOSE
AUTOMATIC STAY
11-7-23 [[16](#)]

Final Ruling

This matter was continued from November 21, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, November 24, 2023. Nothing was filed. Therefore, the court's conditional ruling at dkt. 26, granting the motion to dismiss case, shall become the court's final decision. The continued hearing on November 28, 2023, at 1:00 p.m. is vacated.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

7. [23-23346](#)-B-13 JOSHUA/CELINA LANE
[RAS](#)-1 Eric J. Gravel

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY USAA
FEDERAL SAVINGS BANK
10-18-23 [[13](#)]

Final Ruling

This matter was continued from November 21, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, November 24, 2023. Although no response was filed, an amended plan was filed on November 24, 2023. A confirmation hearing date must be set.

The court's conditional ruling at dkt. 24 and the continued hearing on November 28, 2023, at 1:00 p.m. are vacated. The objection to confirmation is overruled as moot.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

8. [18-20247](#)-B-13 BRIDGET DIAZ
[LGT](#)-1 Grace S. Johnson

CONTINUED OBJECTION TO CLAIM OF
U.S. DEPARTMENT OF EDUCATION,
CLAIM NUMBER 10
10-12-23 [[92](#)]

Final Ruling

This matter was continued from November 21, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, November 24, 2023. Nothing was filed. Therefore, the court's conditional ruling at dkt. 96, sustaining the objection to claim of U.S. Department of Education, Claim Nos. 10-1, 10-2, and 10-3, shall become the court's final decision. The continued hearing on November 28, 2023, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

9. [23-23053](#)-B-13 SANDRA/ANDY MUNOZ
[LGT](#)-1 Colby D. LaVelle

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
10-25-23 [[24](#)]

Final Ruling

This matter was continued from November 21, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, November 24, 2023. Although no response was filed, an amended plan was filed on November 25, 2023, and a confirmation hearing date is set for January 9, 2024.

The court's conditional ruling at dkt. 35 and the continued hearing on November 28, 2023, at 1:00 p.m. are vacated. The objection to confirmation is overruled as moot.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.