

**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: December 15, 2020

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

December 15, 2020 at 1:00 p.m.

1. [20-24683](#)-B-13 CARLOS PITTS MOTION TO DISMISS CASE
[RDG](#)-1 Pro Se 12-1-20 [[34](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Due to COVID-19 closures, the court has determined this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due to the COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also 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).

The court's decision is to continue the matter to Tuesday, January 5, 2021, at 1:00 p.m. No further continues shall be permitted.

The Chapter 13 Trustee moves for dismissal of the bankruptcy case on grounds that Carlos Pitts ("Debtor") failed to appear at the meeting of creditors, failed to set a confirmation hearing for the plan filed on November 4, 2020, and leaves blank much of the petition, schedules, and plan.

Debtor, who is pro se, filed a response requesting that the hearing be continued to a date after December 31, 2020. This request is not inconsistent with Debtor's request to continue the hearing on a motion for relief from stay. See dkt. 39.

The court's decision is to continue the matter to Tuesday, January 5, 2021, at 1:00 p.m. No further continues shall be permitted.

The court will issue an order.

December 15, 2020 at 1:00 p.m.

2. [19-20490](#)-B-13 JULIE ALVES
[RDG](#)-2 Kathleen H. Crist

MOTION TO DISMISS CASE
12-2-20 [[35](#)]

Final Ruling

The Chapter 13 Trustee's motion to dismiss states in its notice of hearing that the matter is brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). However, in actuality only 13 days' notice was given. No motion for an order shortening time was filed by the movant nor granted by the court. Therefore, the motion to dismiss case is denied without prejudice.

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

The court will enter a minute order.