

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Michael S. McManus
Bankruptcy Judge
Sacramento, California

December 17, 2019 at 2:00 p.m.

1. 18-26314-A-13 LEONIE SOLIS MOTION TO
JPJ-1 DISMISS CASE
11-29-18 [18]

Final Ruling: The trustee has voluntarily dismissed the motion. The case will remain pending.

2. 18-25585-A-13 DWAYNE JACKSON MOTION TO
JPJ-2 DISMISS CASE
11-29-18 [49]

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

The debtor has failed to commence making plan payments and has not paid approximately \$19,000 to the trustee as required by the proposed plan. This 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) & (c)(4).

Second, if requested by the U.S. Trustee or the chapter 13 trustee, a debtor must produce evidence of a social security number or a written statement that such documentation does not exist. See Fed. R. Bankr. P. 4002(b)(1)(B). In this case, the debtor has breached the foregoing duty by failing to provide evidence of the debtor's social security number. This is cause for dismissal.

Third, the debtor has failed to give the trustee financial records for a closely held business. This is a breach of the duties imposed by 11 U.S.C. § 521(a)(3) & (a)(4). To attempt to confirm a plan while withholding relevant financial information from the trustee is bad faith. See 11 U.S.C. § 1325(a)(3). This is cause for dismissal.

December 17, 2018 at 2:00 p.m.