

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Michael S. McManus
Bankruptcy Judge
Sacramento, California

December 18, 2017 at 2:00 p.m.

1. 17-26701-A-13 ROSE RODRIGUEZ MOTION TO
JPJ-1 DISMISS CASE
11-9-17 [20]

Final Ruling: The motion will be dismissed as moot. The case was dismissed on December 6.

2. 17-23732-A-13 GREGORY/CHRISTINE ALLEN MOTION TO
JPJ-2 DISMISS CASE
11-17-17 [77]

Tentative Ruling: The motion will conditionally denied.

The plan initially proposed by the debtor was denied confirmation on October 10. The debtor thereafter failed to propose a modified plan and set it for a confirmation hearing. This fact suggests to the court that the debtor either does not intend to confirm a plan or does not have the ability to do so. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1) & (c)(5).

However, after this motion was filed, the debtor filed a modified plan with a motion to confirm it. The motion will be considered by the court on January 16, 2018 at 1:30 PM. Therefore, on condition that the court grants the debtor's motion, the case shall remain pending. If a modified plan is not approved, the case may be dismissed on the trustee's ex parte application.

3. 17-25273-A-13 FRANK VALENZUELA MOTION TO
JPJ-2 DISMISS CASE
11-30-17 [21]

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

The plan proposed was denied confirmation on October 16. The debtor thereafter failed to promptly propose a modified plan and set it for a confirmation hearing. This fact suggests to the court that the debtor either does not intend to confirm a plan or does not have the ability to do so. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1) & (c)(5).