

**FILED**

December 1, 2015

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

1 UNITED STATES BANKRUPTCY COURT  
2 EASTERN DISTRICT OF CALIFORNIA

3  
4 In re )

5 Delegation of Authority to the Clerk of )  
6 the Bankruptcy Court and his Deputies )  
7 \_\_\_\_\_ )

General Order 15-02

8 **IT IS ORDERED** that General Order 14-04 dated December 11, 2014, is hereby  
9 abrogated.

10 **IT IS FURTHER ORDERED** that Wayne Blackwelder, the duly appointed Clerk of the  
11 U.S. Bankruptcy Court for the Eastern District of California, and his deputies shall have the  
12 same rights and powers, shall perform the same functions and duties, and shall be subject to  
13 the same provisions of Title 28, United States Code, as a clerk and other employees appointed  
14 under 28 U.S.C. § 751. Pursuant to the provisions of 28 U.S.C. § 956, 11 U.S.C. § 105, and the  
15 Federal Rules of Bankruptcy Procedure, the clerk and such deputies as he may designate are  
16 authorized to sign and enter without further direction the following orders which are deemed to  
17 be of a ministerial, nondiscretionary, nonjudicial, and/or administrative nature:

- 18
- 19 1. Orders pursuant to Federal Rule of Bankruptcy Procedure 2004, presented on  
20 EDC Form 6-970A, authorizing the examination of a person but not compelling  
21 the production of documentary evidence;
  - 22
  - 23 2. Orders fixing the last dates for the filing of objections to confirmation of chapter  
24 12 and chapter 13 plans, complaints objecting to discharge, complaints to  
25 determine the dischargeability of debts, proofs of claim, and amendments  
26 thereto;
  - 27
  - 28

- 1           3.     Orders granting applications to pay the filing fee in installments as provided by  
2           the Federal Rules of Bankruptcy Procedure;
- 3
- 4           4.     Orders granting discharge of debtors in chapter 7 cases in which no objection to  
5           discharge is pending, the debtor(s) has (have) not executed a waiver of  
6           discharge or been otherwise denied a discharge, and where it appears from the  
7           record that the debtor(s) is(are) eligible for a discharge;
- 8
- 9           5.     Orders granting discharge of debtors in chapter 13 cases in which no objection  
10          to discharge is pending, the debtor(s) has(have) not executed a waiver of  
11          discharge or been otherwise denied a discharge, and in cases filed on and after  
12          October 17, 2005, after notice affording parties-in-interest the opportunity to  
13          object to the debtor's eligibility for discharge and no objections having been filed;
- 14
- 15          6.     Orders closing bankruptcy cases without entry of a discharge when the debtor(s)  
16          has(have) failed to file a statement of completion of a course concerning  
17          personal financial management (Official Form 423) or a motion to extend time to  
18          file the statement after the Clerk has sent the debtor a notice of the deficiency  
19          and an opportunity to file a motion to extend time. If the debtor files a motion to  
20          extend time to file the statement and the debtor fails to file the statement within  
21          the time specified in the Judge's order, the Clerk will close the case without entry  
22          of discharge;
- 23
- 24          7.     Orders closing bankruptcy cases without entry of a discharge when the debtor(s)  
25          has(have) not paid in full the filing fee prescribed by 28 U.S.C. § 1930(a) and any  
26          other fee prescribed by the Judicial Conference of the United States under 28  
27          U.S.C. § 1930(b) that is payable to the Clerk upon the commencement of a case  
28          under the Bankruptcy Code, or a motion to extend time to pay the fee after the

1 Clerk has sent the debtor a notice of the deficiency and an opportunity to file a  
2 motion to extend time. If the debtor files a motion to extend time to pay the fee  
3 and the debtor fails to pay the fee within the time specified in the Judge's order,  
4 the Clerk will close the case without entry of a discharge;

5  
6 8. Orders closing chapter 13 bankruptcy cases without entry of a discharge when  
7 the debtor(s) fail(s) to certify that (A) the debtor has not received a prior  
8 bankruptcy discharge within the time periods specified in 11 U.S.C. § 1328(f), (B)  
9 the debtor has paid all domestic support obligations, or (C) the debtor does not  
10 owe debts of the type described in 11 U.S.C. § 522(q) while claiming exemptions  
11 in real property, personal property, or a cooperative used as a residence or  
12 claimed as a homestead, or in a burial plot that exceed the amount stated in 11  
13 U.S.C. § 522(q)(1), or that such exemptions in excess of the amount stated in 11  
14 U.S.C. § 522(q)(1) are reasonably necessary for the support of the debtor or the  
15 debtor's dependents after the Trustee has sent the debtor a notice of completed  
16 plan payments and of the obligation to file documents demonstrating eligibility for  
17 discharge. If the debtor fails to file the documents or the filed documents fail to  
18 demonstrate eligibility for discharge, the Clerk will close the case without entry  
19 of discharge;

20  
21 9. Orders reopening cases pursuant to 11 U.S.C. § 350(b) where the stated  
22 purpose of reopening is to file a motion to avoid lien, to file a Debtor's 11 U.S.C.  
23 § 1328 Certificate, to file a complaint to obtain a determination of the discharge  
24 status of a debt under Federal Rule of Bankruptcy Procedure 4007(b), to file a  
25 motion to redact, seal, strike or restrict public access to document(s) in the court  
26 file, to file a certificate regarding the completion of a course in financial  
27 management (Official Form 423) and obtain a discharge when the case was  
28 closed without a discharge having been entered and the debtor is not also

1 requesting a waiver of the fee to reopen the case or to pay fees as per FRBP  
2 4004(c)(1)(G);

3  
4 10. After Court approval of all amounts awarded therein, orders awarding  
5 compensation and expense reimbursements to trustees and other professionals  
6 in chapter 7 cases;

7  
8 11. Orders approving chapter 12 and 13 trustee final reports and accounts after  
9 notice affording opportunity to be heard and no request for hearing or objection  
10 having been filed;

11  
12 12. Final decrees, and orders closing chapter 7, 12 and 13 cases and discharging  
13 trustees after notice affording opportunity to be heard and no request for hearing  
14 or objection having been filed;

15  
16 13. Except with respect to priority claims, orders substituting the transferee for the  
17 original claimant on a proof of claim pursuant to the Federal Rules of Bankruptcy  
18 Procedure;

19  
20 14. Orders presented by or approved with a signature by the Chapter 13 Standing  
21 Trustee ordering or releasing the debtor or any entity from whom the debtor  
22 receives income to pay all or part of such income to the trustee;

23  
24 15. Orders dismissing bankruptcy cases for failure to file missing documents after  
25 notice affording the debtors an opportunity to file the missing documents, a  
26 motion for extension of time, or a notice of hearing on the Court's Notice of Intent  
27 to Dismiss Case, and all missing documents, a motion to extend time, or a notice  
28 of hearing not having been timely filed. If the debtor files a motion to

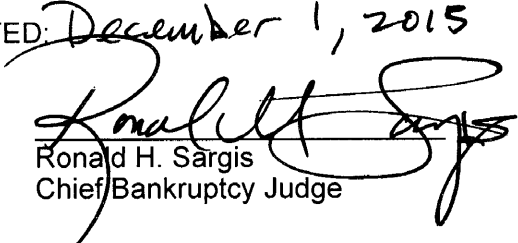
1 extend time or a notice of hearing and later fails to file all missing documents  
2 within the time specified in the Judge's order, the Clerk will dismiss the case; and  
3

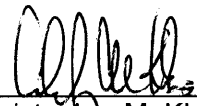
4 16. Orders setting hearings on reaffirmation agreements.  
5


6 17. Orders transferring cases after conversion from chapter 7 to 13 and chapter 13  
7 to 7 in Modesto cases, and from chapter 7 to 13 in San Joaquin county cases.  
8

9 **IT IS FURTHER ORDERED** that, in the interest of justice, a judge may suspend or  
10 withdraw the Clerk's and deputy clerks' authority to sign the foregoing orders at any time, on the  
11 judge's own motion, and regulate practice in accordance with the judge's direction.  
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13 DATED: *December 1, 2015*

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16 Ronald H. Sargis  
17 Chief Bankruptcy Judge

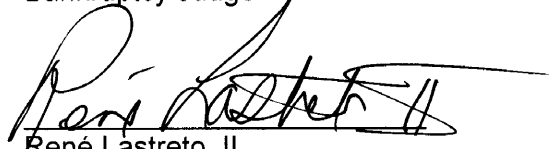
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15 \_\_\_\_\_  
16 Christopher M. Klein  
17 Bankruptcy Judge

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19 Michael S. McManus  
20 Bankruptcy Judge

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19 Robert S. Bardwil  
20 Bankruptcy Judge

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21 \_\_\_\_\_  
22 Fredrick E. Clement  
23 Bankruptcy Judge

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21 \_\_\_\_\_  
22 Christopher D. Jaime  
23 Bankruptcy Judge

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24 \_\_\_\_\_  
25 René Lastreto, II  
26 Bankruptcy Judge  
27  
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