

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re

Delegation of Authority to the Clerk of  
the Bankruptcy Court and his Deputies

General Order 23-04

**IT IS ORDERED** that General Order 21-03 dated June 21, 2021, is hereby abrogated.

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

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

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

1 the Clerk has sent the debtor a notice of the deficiency and an opportunity to file  
2 a 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 7 bankruptcy cases without entry of discharge when the  
7 debtor is ineligible for a discharge due to a prior discharge, pursuant to 11  
8 U.S.C. §727 (a)(8) or 11 U.S.C. §727 (a)(9);

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

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25 10. Orders reopening cases pursuant to 11 U.S.C. § 350(b);

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27 11. After Court approval of all amounts awarded therein, orders awarding  
28 compensation and expense reimbursements to trustees and other professionals

1 in chapter 7 cases;

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3 12. Orders approving chapter 12 and 13 trustee final reports and accounts after  
4 notice affording opportunity to be heard and no request for hearing or objection  
5 having been filed;

6  
7 13. Final decrees, and orders closing chapter 7, 12 and 13 cases and chapter 11,  
8 subchapter V cases and discharging trustees after notice affording opportunity  
9 to be heard and no request for hearing or objection having been filed;

10  
11 14. Except with respect to priority claims, orders substituting the transferee for the  
12 original claimant on a proof of claim pursuant to the Federal Rules of Bankruptcy  
13 Procedure;

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

18  
19 16. Orders dismissing bankruptcy cases for failure to file missing documents after  
20 notice affording the debtors an opportunity to file the missing documents, a  
21 motion for extension of time, or a notice of hearing on the Court's Notice of  
22 Intent to Dismiss Case, and all missing documents, a motion to extend time, or  
23 a notice of hearing not having been timely filed. If the debtor files a motion to  
24 extend time or a notice of hearing and later fails to file all missing documents  
25 within the time specified in the Judge's order, the Clerk will dismiss the case;

26  
27 17. Orders setting hearings on reaffirmation agreements;

28 18. Orders transferring cases upon conversion to another chapter or a trustee

1 reassignment, if necessary, to another judge in that Division to whom cases  
2 under the new chapter or for the new trustee are assigned;

3  
4 19. Orders directing a chapter 7 trustee to pay the filing fee from assets in the  
5 bankruptcy estate when the debtor's filing fee has been waived and the trustee  
6 has assets to administer in the case, as per 11 U.S.C. § 507(a)(2) and  
7 28 U.S.C. § 1930; and

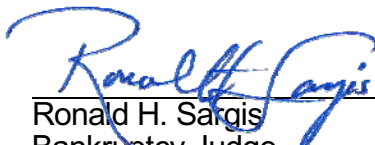
8  
9 20. Orders approving motions to redact personally identifiable information from the  
10 court's docket or claims register; and

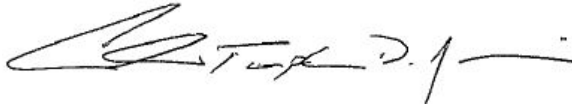
11  
12 21. Orders to Show Cause in instances where an attorney does not timely submit a  
13 Disclosure of Compensation in either a chapter 7 or chapter 13 case.  
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15 **IT IS FURTHER ORDERED** that, in the interest of justice, a judge may suspend or  
16 withdraw the Clerk's and deputy clerks' authority to sign the foregoing orders at any time, on  
17 the judge's own motion, and regulate practice in accordance with the judge's direction.

18 DATED:

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20 \_\_\_\_\_  
21 Fredrick E. Clement  
Chief Bankruptcy Judge

  
\_\_\_\_\_  
Ronald H. Sargis  
Bankruptcy Judge

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

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

28   
Honorable Jennifer E. Niemann  
United States Bankruptcy Judge