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FEB 03 2016

CLERK U.S. BANKRUPTCY COURT
Central District of California
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ORDER NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re:

La Sean Haney,

Debtor.

Case No.: 2:16-bk-10641-RK

Chapter 7

**ORDER GRANTING IN PART AND
DENYING IN PART DEBTOR'S MOTION
TO EXTEND TIME TO FILE CASE
OPENING DOCUMENTS**

(No Hearing Required)

Pending before the court is Debtor La Sean Haney's ("Debtor") "Motion to Extend Time to File Case Opening Documents" ("Motion"), ECF 16. Debtor representing himself commenced this bankruptcy case by filing a voluntary petition for relief under Chapter 7 of the Bankruptcy Code, 11 U.S.C., on January 19, 2016. ECF 1. Debtor's bankruptcy petition was a "face sheet" filing, that is, no financial schedules or statement of financial affairs were filed. The 14-day deadline for Debtor to file his case opening documents is February 2, 2016.

On February 1, 2016, Debtor's landlord filed a motion for relief from the automatic stay on grounds that Debtor has not paid rent on his apartment beginning on November 1, 2015, the landlord filed an unlawful detainer action in state court, obtaining an unlawful detainer judgment and a writ for possession on January 4, 2016. ECF 12.

1 On February 2, 2016, on the date of the expiration of the 14-day deadline
2 for filing case opening documents, Debtor filed the instant motion to extend time to
3 file case opening documents, requesting an extension of the deadline to March 1,
4 2016 on the following grounds: "Needed time to consult with a lawyer about filing
5 Chapter 13 plan. Also all of my financial affairs." ECF 16. Although these
6 grounds do not make any sense to the court since this is a Chapter 7 liquidation
7 case and there is no need to consult an attorney about filing a Chapter 13
8 payment plan in a Chapter 7 case and it is unclear what Debtor means the
9 extension is to consult an attorney for "all of my financial affairs" when Debtor just
10 needs to file out and file his bankruptcy schedules, and it appears that Debtor may
11 be using the bankruptcy process to delay enforcement of the landlord's unlawful
12 detainer judgment and writ of possession and stay on the rented premises free of
13 rent for another month, the court will accord some latitude to Debtor who is self-
14 represented by granting a limited extension of the deadline of two weeks to
15 February 16, 2016 rather than denying the motion and dismissing the case for
16 failure to file case opening documents when due. This extension of two weeks
17 should give Debtor ample time to complete and file his case opening documents,
18 including his bankruptcy schedules and statement of financial affairs, which should
19 have been filed by the 14-day deadline on February 2, 2016, if not earlier with the
20 petition on January 19, 2016 in the first place. As to the need for time to consult
21 an attorney, Debtor could have consulted an attorney before he filed his
22 bankruptcy petition, and he does not explain why he did not do so before.
23 Moreover, Debtor has had time to find and consult an attorney since he filed his
24 petition on January 19, 2016, and he does not explain why he has not yet done so,
25 and he now has additional time to do so before the extended deadline of February
26 16, 2016.

27 The court must also be fair to other parties in the case in considering the
28 length of the extension since not dismissing the case now for Debtor's failure to

1 timely file case opening documents keeps the automatic stay in place and delays
2 the rights of creditors, such as the landlord, to enforce their nonbankruptcy law
3 rights and remedies. In the case of the landlord, although the court denied the
4 landlord's request to hear the stay relief motion on shortened notice, there will be
5 no undue delay in hearing the stay motion as the court will be hearing its motion
6 for stay relief soon on regular notice.

7 IT IS HEREBY ORDERED as follows:

- 8 1. Debtor's Motion is granted in part and denied in part.
- 9 2. The deadline for Debtor to file his case opening documents is extended to
10 February 16, 2016.
- 11 3. Debtor's request in his Motion to extend the deadline to March 1, 2016 is
12 denied.
- 13 4. The case is ordered to be dismissed promptly on February 17, 2016 or shortly
14 thereafter if Debtor fails to file his case opening documents by the extended
15 deadline of February 16, 2016.

16 **IT IS SO ORDERED.**

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23 Date: February 3, 2016



24 _____
25 Robert Kwan
26 United States Bankruptcy Judge
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