

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PATRICK GEORGE, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 PETER A. MORTON, *et al.*, )  
 )  
 Defendants. )

Case No. 2:06-cv-01112-PMP-GWF  
**FINDINGS & RECOMMENDATION  
AND ORDER**

This matter is before the Court on the Order to Show Cause (#141), filed January 7, 2009, wherein this Court ordered Defendants IDM Properties, LP; IDM Properties (Nevada), LLC; IDM Investments 1, LP; and IDM Investments 2, LP to show cause, in writing, no later than January 16, 2009, why sanctions should not be imposed for their failure to comply with this Court’s prior order (#134) to retain new counsel. To date, Defendants IDM Properties, LP; IDM Properties (Nevada), LLC; IDM Investments 1, LP; and IDM Investments 2, LP have failed to comply. Accordingly,

**RECOMMENDATION**

**IT IS RECOMMENDED** by the undersigned United States Magistrate Judge that the Answer of Defendants IDM Properties, LP; IDM Properties (Nevada), LLC; IDM Investments 1, LP; and IDM Investments 2, LP should be **stricken** and their default entered based on Defendants’ failure to comply with this Court’s Order to obtain counsel.


**ORDER**

**IT IS HEREBY ORDERED** that the Clerk of the Court shall mail a copy of this Order and Findings & Recommendation to Defendants IDM Properties, LP; IDM Properties (Nevada), LLC; IDM Investments 1, LP; and IDM Investments 2, LP, c/o Christopher Milam, International Development Management, 3980 Howard Hughes Parkway, Suite 150, Las Vegas, NV 89169.

1 NOTICE

2 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in  
3 writing and filed with the Clerk of the Court within ten (10) days. The Supreme Court has held that the  
4 courts of appeal may determine that an appeal has been waived due to the failure to file objections  
5 within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1)  
6 failure to file objections within the specified time and (2) failure to properly address and brief the  
7 objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues  
8 from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*  
9 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

10 DATED this 22nd day of January, 2009.

11   
12 \_\_\_\_\_  
13 GEORGE FOLEY, JR.  
14 United States Magistrate Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28