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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Gordon Leroy Hall,

10 Plaintiff,

11 v.

12 United States of America,

13 Defendant.
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No. CV-18-01738-PHX-SPL (ESW)

ORDER

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16 Pending before the Court is Plaintiff's "Motion for Rule 11 Sanctions" (Doc. 23).
17 "Federal Rule of Civil Procedure 11 provides for the imposition of sanctions when a
18 filing is frivolous, legally unreasonable, without factual foundation or brought for an
19 improper purpose." *Petrella v. Metro-Goldwyn-Mayer, Inc.*, 695 F.3d 946, 957 (9th Cir.
20 2012), *reversed on other grounds*, 132 S.Ct. 1962 (2014). The party moving for Rule 11
21 sanctions bears the burden of proof and persuasion. *See Tom Growney Equip., Inc. v.*
22 *Shelley Irr. Dev., Inc.*, 834 F.2d 833, 837 (9th Cir. 1987) (finding that burden of proving
23 Rule 11 sanctions were not justified was erroneously placed on non-moving party); *Rich*
24 *Art Sign Co. Inc. v. Ring*, 122 F.R.D. 472, 474 (E.D. Pa. 1988) (denying motion for
25 sanctions where defendants failed to prove that claim was frivolous); *Phinney v.*
26 *Paulshock*, 181 F.R.D. 185, 197 (D.N.H. 1998) (stating that "[i]n general, the burden of
27 proof is on the party seeking the sanction").

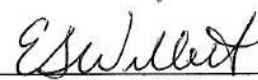
28 Plaintiff's vague and conclusory allegations set forth in his Motion (Doc. 23) are

1 insufficient to support Rule 11 sanctions. *See Rich Art Sign Co.*, 122 F.R.D. at 474
2 (finding that the defendants' "allegations and innuendoes ... are insufficient to impose
3 Rule 11 sanctions"). Plaintiff may not shift to the Government the burden of proving that
4 sanctions are not justified. *See Tom Growney Equip., Inc.*, 834 F.2d at 837 (reversing an
5 award of Rule 11 sanctions where, among other errors, the burden of proving the
6 sanctions were not justified was erroneously placed on the non-moving party).

7 Accordingly,

8 **IT IS ORDERED** denying Plaintiff's "Motion for Rule 11 Sanctions" (Doc. 23).

9 Dated this 29th day of March, 2019.

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Eileen S. Willett
United States Magistrate Judge