



1 In accordance with 28 U.S.C. section 636(e), the Magistrate  
2 Judge certifies the following facts:<sup>1</sup>

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4 1. On February 5, 2015, this Court entered a Default Judgment  
5 against Bholat and in favor of Plaintiff.

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7 2. On June 19, 2015, Plaintiff filed an "Application for  
8 Appearance and Examination re: Enforcement of Judgment," seeking  
9 an order that Bholat appear before the Magistrate Judge for a  
10 judgment debtor examination.

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12 3. On June 24, 2015, the Magistrate Judge issued an "Order to  
13 Appear for Examination re: Enforcement of Judgment," requiring  
14 that Bholat appear before the Magistrate Judge on August 7,  
15 2015, in Courtroom 20 at 9:30 a.m. for a judgment debtor  
16 examination.

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18 4. On August 3, 2015, the Magistrate Judge filed an order  
19 continuing the judgment debtor examination of Bholat until  
20 November 13, 2015, at 9:30 a.m. in Courtroom 20.

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23 <sup>1/</sup> The question of whether Bholat should be held in contempt on  
24 these certified facts, and the question of the appropriate  
25 sanctions to be imposed, if any, are commended to the District  
26 Judge for his consideration. See 28 U.S.C. § 636(e); see also  
27 Bingman v. Ward, 100 F.3d 653, 658 (9th Cir. 1996), cert. denied,  
28 520 U.S. 1188 (1997); Taberer v. Armstrong World Industries,  
Inc., 954 F.2d 888, 903-908 (3rd Cir. 1992). The limited  
contempt powers granted to Magistrate Judges in the "Federal  
Courts Improvement Act of 2000" do not extend to the  
circumstances presented in the instant case. See 28 U.S.C. §  
636(e).

1 5. A proof of service filed by Plaintiff on August 16, 2015,  
2 purportedly reflects an August 10, 2015 personal service on  
3 Bholat of the Magistrate Judge's order continuing the judgment  
4 debtor examination until November 13, 2015.

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6 6. On November 13, 2015, at 9:30 a.m. in Courtroom 20,  
7 counsel for Plaintiff appeared for Bholat's examination but  
8 Bholat failed to appear at that time and place.

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10 7. On April 20, 2016, Plaintiff filed another  
11 "Application for Appearance and Examination re: Enforcement  
12 of Judgment," seeking another order that Bholat appear  
13 before the Magistrate Judge for a judgment debtor  
14 examination.

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16 8. On April 22, 2016, the Magistrate Judge issued an  
17 "Order to Appear for Examination re: Enforcement of  
18 Judgment," requiring that Bholat appear before the  
19 Magistrate Judge on June 24, 2016, in Courtroom 20 at 9:30  
20 a.m. for a judgment debtor examination.

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22 9. A proof of service filed by Plaintiff on May 8, 2016,  
23 purportedly reflects an April 30, 2016 personal service on  
24 Bholat of the Magistrate Judge's "Order to Appear for  
25 Examination re: Enforcement of Judgment."

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