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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

IN RE MOTION TO COMPEL LESLIE WESTMORELAND’S COMPLIANCE WITH NON-PARTY SUBPOENA, FILED BY STATE BAR OF CALIFORNIA

No. 1:22-mc-00043 JLT EPG
ORDER ADOPTING FINDINGS AND RECOMMENDATIONS RE CONTEMPT
(Doc. 22)

The State Bar of California (“the Bar”) filed this miscellaneous action to compel Leslie Westmoreland’s compliance with a non-party subpoena. (Doc. 1.) After Westmoreland failed to respond, the assigned magistrate judge ordered Westmoreland to comply with the subpoena. (Doc. 14.) After Westmoreland failed to comply, the Bar moved the Court to find Westmoreland in civil contempt for failure to comply with a court order and to award it nominal sanctions of \$1. (Doc. 16.)

After Westmoreland failed to respond to the Bar’s motion, the assigned magistrate judge issued findings and recommendations on June 30, 2022, certifying the facts constituting a civil contempt, *see* 28 U.S.C. § 636(e)(6), and recommending that Westmoreland be found in civil contempt and that the Bar be awarded \$1 as a sanction. (Doc. 22.) The findings and recommendations were served upon Westmoreland, which included a notice that any objections thereto were to be filed within twenty-one days of service. (*Id.* at 10.) No objections have been

1 filed, and the time to do so has since expired.

2 According to 28 U.S.C. § 636 (b)(1)(C), the Court conducted a *de novo* review of the case.

3 Having carefully reviewed the entire matter, the Court concludes the findings and

4 recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

5 1. The findings and recommendations issued on June 30, 2022 (Doc. 22), are
6 **ADOPTED IN FULL.**

7 2. The State Bar of California's motion (Doc. 16) is **GRANTED** as to its request to
8 find Leslie Westmoreland in contempt and its request for sanctions.

9 3. Leslie Westmoreland is held in civil contempt based on his failure to comply with
10 the magistrate judge's April 7, 2022, order.

11 4. Leslie Westmoreland is ordered to pay \$1 as a sanction to the Bar within thirty
12 days of service of this order.

13 5. The Clerk is directed to serve Leslie Westmoreland with a copy of this order at
14 4235 North College Avenue, Fresno, California 93704.

15 6. The Bar is directed to file a brief status report with the Court within three days of
16 the payment of the sanction or the expiration of the deadline for payment,
17 whichever is sooner, indicating whether the case may again be closed or whether
18 any further proceedings are needed.

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20 IT IS SO ORDERED.

21 Dated: July 29, 2022


UNITED STATES DISTRICT JUDGE

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