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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

NO. CIV. S-09-0045 LKK/GGH

Plaintiff,

v.

O R D E R

2007 MERCEDES BENZ, S550,  
VIN: WDDNG71X77A065783,  
CALIFORNIA LICENSE NUMBER:  
369ALE,

Defendant.

\_\_\_\_\_/  
The government's "Motion To Strike Claim and Answer of Nino A. Cefalu" was originally scheduled to be heard on December 19, 2011. Claimant's opposition or Statement of Non-opposition was due on December 5, 2011, per E.D. Cal. R. ("Local Rule") 230(c). Claimant, who is represented by Mark Joseph Reichel, Esq., did not file an opposition or a Statement of Non-Opposition.

The court thereupon (i) issued an Order To Show Cause why Claimant's counsel should not be sanctioned with a fine of \$150 and/or an order striking Claimant's Claim and Answer, and

1 (ii) ordered Claimant to file an opposition or a Statement of Non-  
2 Opposition to the government's motion.

3 Claimant has not complied with the court's order to file a  
4 response to the government's Motion To Strike, and counsel for  
5 Claimant has not timely responded to the OSC.<sup>1</sup>

6 Accordingly:


- 7 1. The government's unopposed Motion to Strike (Dkt.  
8 No. 23), is **GRANTED**, pursuant to Supplemental Rule G(8)(c)(i)(A),  
9 and the January 17, 2012 hearing is accordingly **VACATED**.
- 10 2. The Clerk of the Court is directed to **STRIKE** Claimant's  
11 Claim and Answer (Dkt. No. 10).
- 12 3. Counsel for Claimant is **SANCTIONED** in the amount of one  
13 hundred and fifty (\$150.00) dollars. This sum shall be paid to the  
14 Clerk of the Court no later than thirty (30) days from the  
15 effective date of this order. Counsel shall file an affidavit  
16 accompanying the payment of this sanction which states that it is  
17 paid personally by counsel, out of personal funds, and is not and  
18 will not be billed, directly or indirectly, to the client or in any  
19 way made the responsibility of the client as attorneys' fees or  
20 costs.

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22 \_\_\_\_\_  
23 <sup>1</sup> Counsel has now late-filed a declaration in response to the  
24 Order to Show Cause claiming that he thought he had substituted out  
25 as counsel (Dkt. No. 27). However, the declaration establishes  
26 that counsel failed to comply with Local Rule 182(g), concerning  
substitution of attorneys. Accordingly, counsel never substituted  
out as counsel. Counsel's declaration, which he signed as "Attorney  
for Claimant," states his non-opposition to the striking of the  
claim and to the sanction imposed pursuant to the Order to Show  
Cause.

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IT IS SO ORDERED.

DATED: January 12, 2012.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT