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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

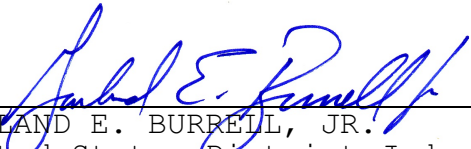
ESTER ELLEN NELSON,	)	
	)	2:11-cv-00140-GEB-JFM
Petitioner,	)	
	)	
v.	)	<u>ORDER TO SHOW CAUSE RE SUMMARY</u>
	)	<u>JUDGMENT</u>
JOSEPH PETTERLE,	)	
	)	
Respondent.	)	
_____	)	

Petitioner is Ordered to Show Cause ("OSC") in a writing to be filed no later than 4:00 p.m. on March 11, 2011, why judgment should not be issued in favor of Respondent as a matter of law on her "Verified Petition for Return of Child" under the Hague Convention on the Civil Aspects of International Child Abduction ("Convention"), since neither party has briefed the issue of Petitioner's right to custody under Iceland law. Petitioner must prove that Respondent's retention of their child was in breach of her rights of custody, "under the law of the State in which the child was habitually resident immediately before the . . . retention," as an element of her case. Convention, art. 3(a), 19 I.L.M. 1501; see also Shalit v. Coppe, 182 F.3d 1124, 1128-29 (9th Cir. 1999) (stating "[Petitioner] had the burden of proving by a preponderance of the evidence that . . . [Respondent's] retention of

1 [their child] was in breach of [Petitioner's] rights of custody under  
2 the law of [the child's] habitual residence").

3 Any responsive filing shall be filed no later than 12:00 p.m.  
4 on March 14, 2011.

5 Dated: March 9, 2011

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9 GARLAND E. BURRELL, JR.  
10 United States District Judge  
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