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

UNITED STATES OF AMERICA,

Plaintiff,

No. 2:11-mc-00064 LKK KJN

v.

PATRICIA K. THOMAS,

Defendant and
Judgment Debtor.

ORDER TO SHOW CAUSE

Presently before the court is plaintiff’s amended application for a writ of continuing garnishment (“Application”), seeking the garnishment of 70% of defendant’s disposable earnings in furtherance of the payment of a criminal restitution balance in the amount of \$1,860,660.43 (which includes interest as of October 6, 2011).¹ The court heard this matter on its law and motion calendar on November 10, 2011.

At the hearing, defendant’s counsel, Mark S. Axup, requested leave to file a supplemental response to the Application. At no point prior to the November 10, 2011 hearing did Mr. Axup advise the court that he wished to file a supplemental response to plaintiff’s

¹ This case proceeds before the undersigned pursuant to Eastern District of California Local Rule 302(c)(7) and 28 U.S.C. § 636(b)(1). The related criminal action is United States v. Thomas, 2:02-cr-00152 LKK-1 (E.D. Cal.).

1 Application.² Nevertheless, the court permitted defendant to file a supplemental response to the
2 Application no later than November 25, 2011. (Order, Nov. 14, 2011, Dkt. No. 18.)

3 The court's docket reflects that defendant failed to file a supplemental response to
4 the Application. Without more from defendant, the court is left to speculate as to whether Mr.
5 Axup's request for leave to file a supplemental response was simply in furtherance of delaying
6 resolution of the Application.

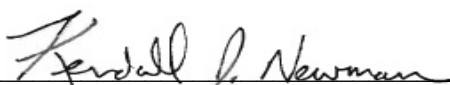
7 Accordingly, IT IS HEREBY ORDERED that:

8 1. *On or before December 8, 2011*, Mr. Axup shall show good cause in
9 writing: (1) why he failed to file a supplemental response to the Application on defendant's
10 behalf; (2) why monetary sanctions should not be imposed on him personally; and (3) why the
11 Application should not be summarily granted.

12 2. Mr. Axup's failure to respond to this order shall provide additional
13 grounds for the imposition of monetary sanctions on him personally.

14 IT IS SO ORDERED.

15 DATED: November 29, 2011

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18 KENDALL J. NEWMAN
19 UNITED STATES MAGISTRATE JUDGE
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26 ² Mr. Axup appeared in this action on October 17, 2011 (Dkt. No. 15).