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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT HUCKABY, individually and in
his capacity as the Trustee of Texas Tea
Trust; GREGORY L. HUNT; and
ACTION CONSTRUCTION CO.,

Defendants.

No. 2:13-cv-2158-MCE-EFB

ORDER TO SHOW CAUSE

On May 9, 2014, the United States filed a motion for evidentiary sanctions pursuant to Federal Rule of Civil Procedure 37 against defendants Robert Huckaby, individually and in his capacity as Trustee of Texas Tea Trust, Gregory Hunt, and Action Construction Company. ECF No. 8. The motion was noticed for hearing on June 4, 2014. *Id.*

Court records reflect that defendants have not filed an opposition or statement of non-opposition to the motion for sanctions. Local Rule 251(e) provides that when a party has filed a motion based on a complete and total failure to respond to a discovery request or order, or when the only relief sought by the motion is the imposition of sanctions, the party responding to that motion shall file a response to the motion not later than seven days before the hearing date, or in this instance, by May 28, 2012. Local Rule 230(c) provides that “[n]o party will be entitled to be

1 heard in opposition to a motion at oral arguments if opposition to the motion has not been timely
2 filed by that party.” Local Rule 110 provides that failure to comply with the Local Rules “may be
3 grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or
4 within the inherent power of the Court.”

5 Accordingly, good cause appearing, it is hereby ORDERED that:

6 1. The hearing on plaintiff’s motion for sanctions, ECF No. 8, is continued to June 18,
7 2014 at 10:00 a.m. in Courtroom No. 8.

8 2. Defendants shall show cause, in writing, no later than June 11, 2014, why sanctions
9 should not be imposed for failure to timely file an opposition or a statement of non-opposition to
10 the pending motion.

11 3. Defendants shall file an opposition to the motion, or a statement of non-opposition
12 thereto, no later than June 11, 2014.

13 4. Failure of defendants to file an opposition to the motion may be deemed a statement of
14 non-opposition thereto, and may result in a recommendation that defendants’ answers be stricken
15 and default be entered.

16 DATED: May 30, 2014.

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18 EDMUND F. BRENNAN
19 UNITED STATES MAGISTRATE JUDGE
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