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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
DONALD M. WANLAND, JR.,
Defendant.

No. 2:13-cv-2343-KJM-KJN PS

ORDER

On October 30, 2015, the United States filed a motion to withdraw admissions. (ECF No. 53.) Thereafter, on November 9, 2015, defendant filed a motion for an order dropping or striking the United States’ motion to withdraw admissions, or in the alternative, to set a date for defendant’s opposition to that motion on the merits. (ECF No. 58.) Defendant contends that the United States’ motion is procedurally improper in various respects.

The court finds it appropriate to require defendant to oppose the United States’ motion on the merits. However, in doing so, the court does not prejudge or resolve in any way defendant’s arguments that the United States’ motion is procedurally improper. The court may well ultimately resolve the motion on procedural grounds, or may proceed to the merits. Regardless, the court presently finds that the interests of judicial efficiency would be served by allowing the motion to be briefed both as to procedural issues and on the merits, creating a proper record for the court to consider all the issues.


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Accordingly, IT IS HEREBY ORDERED that:

1. Defendant’s motion for an order dropping or striking the United States’ motion to withdraw admissions, or in the alternative, to set a date for defendant’s opposition to that motion on the merits (ECF No. 58) is GRANTED IN PART and DENIED IN PART.
2. Defendant shall file an opposition to the United States’ motion to withdraw admissions no later than December 1, 2015. Such an opposition shall address both (a) any alleged procedural deficiencies involving that motion and (b) the merits of the motion.
3. The United States shall file any reply brief within seven (7) days of the docketing of defendant’s opposition on the CM/ECF system.

IT IS SO ORDERED.

Dated: November 12, 2015


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE