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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,

No. 2:15-mc-0131 KJM AC

12 Plaintiff and Judgment
13 Creditor,

ORDER

14 v.

15 HODA SAMUEL,

16 Defendant and Judgment
17 Debtor.

18 The judgment debtor examination of Respondent, Aiad Samuel, is scheduled for March
19 16, 2016 at 10:00 a.m. ECF No. 13. Respondent moves for a continuance of the examination “to
20 a date certain,” although he proposes no date for the examination. ECF No. 15.

21 Respondent asserts (1) that he is attempting “to marshal the materials and records sought
22 by the Government in this action,” (2) that the March 16th date conflicts with the date his wife
23 has an oral argument in the Ninth Circuit, but also (3) that he, Respondent, will be “adversely
24 affected” by any continuance. ECF No. 15.

25 1. Respondent does not indicate that he met or conferred with counsel for the government
26 in an attempt to resolve such a minor scheduling issue. To the contrary, even though the
27 government wrote to Respondent asking him to contact counsel “if you anticipate any difficulty
28 appearing at your scheduled examination,” Respondent instead filed this motion for a


1 continuance. See U.S. Opposition, Exhibit B (ECF No. 17-1 at 6). Further, the government filed
2 its initial request for a judgment debtor examination on October 29, 2015. Respondent does not
3 explain why the 4.5 months from the date of that filing until the scheduled March 16, 2016
4 examination is not enough time for him to prepare.

5 2. According to the Ninth Circuit schedule provided by the government, the oral
6 argument date for Respondent's wife is March 18, 2016, not the March 16, 2016 date Respondent
7 alleged. See U.S. Opposition, Exhibit A (ECF No. 17-1 at 4).¹ Thus, no conflict is apparent.

8 3. Respondent argues that he will be adversely affected by any continuance. However,
9 this tends to defeat his request for a continuance, rather than to support it.

10 For the reasons stated above, IT IS HEREBY ORDERED that Respondent's Motion To
11 Postpone Rule 69 Examination (ECF No 15), is DENIED.

12 DATED: March 3, 2016

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14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE
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26 ¹ See also, [http://www.ca9.uscourts.gov/calendar/view.php?hearing=March%20-
27 %20James%20R.%20Browning%20U.S.%20Courthouse,%20San%20Francisco&dates=14-
28 18,%2022-24&year=2016](http://www.ca9.uscourts.gov/calendar/view.php?hearing=March%20-%20James%20R.%20Browning%20U.S.%20Courthouse,%20San%20Francisco&dates=14-18,%2022-24&year=2016) (Ninth Circuit "Oral Arguments Calendar").