

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. 2:15-mc-0131 KJM AC

Plaintiff and Judgment
Creditor,

ORDER

HODA SAMUEL,

Defendant and Judgment
Debtor.

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

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

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

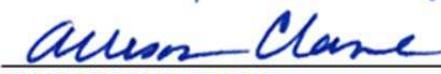
1 continuance. See U.S. Opposition, Exhibit B (ECF No. 17-1 at 6). Further, the government filed
2 its initial request for a judgment debtor examination on October 29, 2015. Respondent does not
3 explain why the 4.5 months from the date of that filing until the scheduled March 16, 2016
4 examination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

¹ See also, <http://www.ca9.uscourts.gov/calendar/view.php?hearing=March%20-%20James%20R.%20Browning%20U.S.%20Courthouse.%20San%20Francisco&dates=14-18,%202022-24&year=2016> (Ninth Circuit "Oral Arguments Calendar").