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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,

Plaintiff,

v.

WATERLOO ENTERPRISES, INC.

Defendant.

No. 2:16-cv-711-MCE-KJN

ORDER

At an August 16, 2018 judgment debtor examination, Mr. Champ Patel, President of defendant Waterloo Enterprises, Inc., failed to appear. (ECF No. 22.) Thereafter, on August 24, 2018, plaintiff requested the court to enter an order of contempt and issue a bench warrant for the arrest of Mr. Patel. (ECF No. 23.) However, plaintiff's request contains little briefing with citation to relevant legal authorities in support of such severe relief, including whether the requested contempt is civil or criminal in nature, the procedural and constitutional requirements for imposing such relief, whether a hearing is first required, etc. Consequently, the court denies plaintiff's request without prejudice.

Instead, the court orders Mr. Patel to personally appear at a hearing on October 11, 2018, to show cause why he should not be held in contempt or have other appropriate sanctions imposed against him for failure to appear at the judgment debtor examination. The court also simultaneously sets a continued judgment debtor examination for that same day.

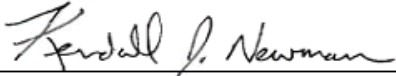
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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's request for an order of contempt and issuance of a bench warrant (ECF No. 23) is DENIED WITHOUT PREJUDICE.
2. Champ Patel, President of defendant Waterloo Enterprises, Inc., shall personally appear before Judge Newman on October 11, 2018, at 10:00 a.m., in Courtroom No. 25 of the United States Courthouse located at 501 I Street, Sacramento, CA to SHOW CAUSE why he should not be held in contempt or have other appropriate sanctions imposed against him for failure to appear at the August 16, 2018 judgment debtor examination.
3. A continued judgment debtor examination is set for October 11, 2018, at 10:00 a.m., in Courtroom No. 25 of the United States Courthouse located at 501 I Street, Sacramento, CA before Judge Newman. Champ Patel, President of defendant Waterloo Enterprises, Inc, shall personally appear for that judgment debtor examination.
4. Plaintiff shall promptly serve a copy of this order on Mr. Patel at his last-known address by mail, and if possible, provide additional notice via e-mail or telephone at any last-known e-mail address or telephone number. Plaintiff shall forthwith file a proof of service on the court's docket documenting such service.
5. Mr. Patel is hereby CAUTIONED that failure to appear at the show cause hearing and the continued judgment debtor examination may result in a finding of contempt, the issuance of a bench warrant for his arrest, and/or the imposition of any other appropriate sanctions.

IT IS SO ORDERED.

Dated: August 31, 2018


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE