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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,  
Plaintiff,  
v.  
HASMUKHBAI PATEL, et al.  
Defendants.

No. 2:17-cv-00573-KJM-CKD

ORDER

At an October 24, 2018 judgment debtor examination, defendant Damyantiban Patel failed to appear. (ECF No. 27.) Subsequently, on November 1, 2018, plaintiff submitted a proposed certification of fact of contempt. (ECF No. 28.) There within, plaintiff requests that the court enter an order to show cause regarding contempt against Patel based on his failure to appear. (ECF No. 28-1 at 1.) Having reviewed plaintiff's request and the applicable law, the court concludes that an order to show cause is appropriate at this juncture. See 28 U.S.C. § 636; Fed. R. Crim. P. 42.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's proposed certification of fact of contempt (ECF No. 28) is GRANTED IN PART on the terms outlined in this order.
2. Damyantiban Patel shall personally appear before Judge Delaney on January 2, 2019 at 10:00 a.m. in Courtroom No. 24 of the United States Courthouse located at 501 I

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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 October 24, 2018 judgment debtor examination.

- 3. A continued judgment debtor examination is set for January 2, 2019 at 10:00 a.m. in Courtroom No. 24 of the United States Courthouse located at 501 I Street, Sacramento, CA before Judge Delaney. Damyantiban Patel shall personally appear for that judgment debtor examination.
- 4. Plaintiff shall promptly serve a copy of this order on Damyantiban 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. Damyantiban 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.

Dated: November 8, 2018

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE