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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-0573-KJM-CKD

ORDER

On October 24, 2018, defendant Damyantiban Patel failed to appear at a judgment debtor examination. (ECF No. 27.) Subsequently, plaintiff submitted a proposed certification of fact of contempt, which the court granted in part on November 8, 2018. (ECF Nos. 28, 29.) The court ordered Damyantiban Patel to appear on January 2, 2019 and show cause why he should not be held in contempt or have other appropriate sanctions imposed against him for failing to appear at the judgment debtor examination. (ECF No. 29 at 1-2.) Plaintiff was ordered to serve defendant with a copy of the court’s order and to file a proof of service with the court. (Id. at 2.)

On November 20, 2018, plaintiff provided a proof of service indicating that defendant was served by mail at the address associated with the property at the heart of this matter. (ECF No. 30.) However, the proof of service was not signed.

On January 2, 2019, Damyantiban Patel failed to appear. Plaintiff requested that an additional order to show cause be issued and a further judgment debtor examination be scheduled.

1 Having reviewed plaintiff's request and the applicable law, the court concludes that an additional
2 order to show cause is appropriate at this juncture. See 28 U.S.C. § 636; Fed. R. Crim. P. 42.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. **Damyantiban Patel shall personally appear before Judge Delaney on April 3,**
5 **2019 at 10:00 a.m. in Courtroom No. 24** of the United States Courthouse located at
6 501 I Street, Sacramento, CA to SHOW CAUSE why he should not be held in
7 contempt or have other appropriate sanctions imposed against him for failure to appear
8 at the October 24, 2018 judgment debtor examination and the January 2, 2019 show
9 cause hearing.
- 10 2. A continued judgment debtor examination is set for April 3, 2019 at 10:00 a.m. in
11 Courtroom No. 24 of the United States Courthouse located at 501 I Street,
12 Sacramento, CA before Judge Delaney. Damyantiban Patel shall personally appear
13 for that judgment debtor examination.
- 14 3. Plaintiff shall promptly serve a copy of this order on Damyantiban Patel at his last-
15 known address **by personal service**, and if possible, provide additional notice via e-
16 mail or telephone at any last-known e-mail address or telephone number. Plaintiff
17 shall forthwith file a proof of service on the court's docket documenting such service.
- 18 4. Damyantiban Patel is hereby CAUTIONED that failure to appear at the continued
19 show cause hearing and the continued judgment debtor examination may result in a
20 finding of contempt, the issuance of a bench warrant for his arrest, and/or the
21 imposition of any other appropriate sanctions.

22 Dated: January 4, 2019

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25 CAROLYN K. DELANEY
26 UNITED STATES MAGISTRATE JUDGE
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