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28IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIAUNITED STATES OF AMERICA,  
Plaintiff,  
v.  
DOUGLAS R. CARAWAY, et al.,  
Defendants.

No. C 08-4371 MMC

**ORDER DIRECTING GOVERNMENT TO  
SHOW CAUSE WHY MOTION FOR  
EJECTMENT SHOULD NOT BE DENIED  
AS MOOT; CONTINUING HEARING ON  
MOTION FOR EJECTMENT**

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Before the Court is the government's Motion for Ejectment, filed December 16, 2015, by which the government seeks an order directing defendant Douglas R. Caraway ("Caraway") and any other occupant of 734 Neal Avenue, San Carlos, California (hereinafter, "the Property") to leave the premises by February 19, 2016, upon penalty of being held in contempt of Court. As the motion was served on Caraway by mail on December 16, 2015, any opposition was due no later than January 4, 2016. See Civil L.R. 7-3(a) (extending "by 3 days the [fourteen-day] deadline to file an opposition to a motion if the motion was not filed and served through the Court's Electronic Case Filing (ECF) system"). To date, no opposition has been filed. Having read and considered the Motion for Ejectment, the Court rules as follows.


1 To the extent the government seeks the authority to remove any occupants  
2 remaining on the premises, it would appear such relief has been fully provided in the  
3 Amended Judgment and Decree of Sale (“Amended Judgment”) entered by the Court on  
4 November 18, 2011, and thereafter affirmed by the Ninth Circuit.<sup>1</sup> Specifically, this Court  
5 ordered that “[a]ll persons occupying the Property shall leave and vacate the property  
6 permanently within[] thirty (30) days of the date of this Order,” and further ordered that, “[i]f  
7 any person fails or refuses to leave and vacate the property by the time specified in this  
8 Order, the United States Marshal’s Office, alone, is authorized to take whatever action it  
9 deems appropriate to remove such person(s) from the premises, whether or not the sale of  
10 such property is being conduct[ed].” (See Am. Judgment, filed Nov. 18, 2011.)

11 Accordingly, the government is hereby ORDERED TO SHOW CAUSE, in writing  
12 and no later than February 12, 2016, why its Motion for Ejectment should not be denied as  
13 moot. In particular, the government is directed to identify in such filing the authority  
14 pursuant to which it believes any remaining occupants of the Property are entitled to claim  
15 a right to possess the Property and thereby contest the above-referenced court order.

16 In light of the above, the hearing currently scheduled for February 5, 2016, is hereby  
17 CONTINUED to March 4, 2016.

18 **IT IS SO ORDERED.**

19 Dated: January 11, 2016

  
MAXINE M. CHESNEY  
United States District Judge

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<sup>1</sup>On February 5, 2013, Caraway filed a motion for relief from the Amended Judgment; thereafter, on February 11, 2013, the Court issued an order denying said motion, which order was affirmed by the Ninth Circuit. (See Memorandum, filed Nov. 30, 2015.)