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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

REEVES & ASSOCIATES, PLC,

No. C 11-04762 WHA

Plaintiff,

v.

**ORDER REQUIRING RESPONSE
FROM DEFENDANT AND RESETTING
ORDER TO SHOW CAUSE HEARING**

MATTHEW D. MULLER, AND DOES 1-
25, Inclusive,

Defendants.

By order dated December 24, 2012, plaintiff's request for an order requiring pro se defendant Matthew Muller to show cause why he should not be held in contempt for violating a stipulated order for injunctive relief and protective order was granted (Dkt. No. 41). A show-cause hearing was scheduled for January 10, 2013. The order to show cause required the parties to file written responses by January 7. Defendant has failed to respond in any manner to plaintiff's motion or to this Court's recent orders (Dkt. Nos. 35 and 41). On January 9, the day before the hearing, defendant Muller left a voice message stating that he was "incapacitated" and alluding to medical issues. As defendant is an attorney, he should be aware that such *ex parte* communications with the Court are improper. If defendant wished to request a continuance, he should have done so by proper motion supported by sworn declaration, filed well in advance of the hearing date.

Counsel for plaintiff appeared at the January 10 hearing and requested the Court issue an order finding defendant in contempt of the stipulated protective order and requiring defendant to pay plaintiff's attorney's fees. Defendant is hereby **ORDERED TO SHOW CAUSE** why such an order should not be issued against him. Defendant must respond by filing a sworn declaration by **NOON**

1 **ON JANUARY 17.** An order to show cause hearing is hereby set for **8 A.M. ON JANUARY 24.**
2 Defendant is warned that failure to respond to this order may result in a contempt order being
3 entered against him. Plaintiff shall serve this order on defendant via email and United States mail
4 forthwith.

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6 **IT IS SO ORDERED.**

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8 Dated: January 10, 2013.

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11 WILLIAM ALSUP
12 UNITED STATES DISTRICT JUDGE
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