

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No. 05-cv-503-L(WMC)
Plaintiff,	)	<b>CIVIL CONTEMPT ORDER</b>
v.	)	
ARTHUR L. GEORGE,	)	
Defendant.	)	

---

“A court of the United States shall have power to punish by fine or imprisonment, or both, at its discretion, such contempt of its authority, and none other, as—(1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice; (2) Misbehavior of any of its officers in their official transactions; (3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.” 18 U.S.C. § 401. This statute also encompasses civil contempt. *See Britton v. Co-op Banking Grp.*, 916 F.2d 1405, 1409 n.4 (9th Cir. 1990).

Civil contempt consists of “a party’s disobedience to a specific and definite court order by failure to take all reasonable steps within the party’s power to comply.” *Reno Air Racing Ass’n v. McCord*, 452 F.3d 1126, 1130 (9th Cir. 2006) (internal quotation marks omitted). “The contempt need not be willful; however, a person should not be held in contempt if his action appears to be based on a good faith and reasonable interpretation of the court’s order.” *Id.*


1 (internal quotation marks and citations omitted). A court may impose civil contempt sanction  
2 only if there is clear and convincing evidence that (1) the opposing party had violated a court  
3 order, (2) beyond substantial compliance, (3) not based on a good faith and reasonable  
4 interpretation of that order. *Labor/Cnty. Strategy Ctr. v. L.A. Cnty. Metro. Trans. Auth.*, 564  
5 F.3d 1115, 1123 (9th Cir. 2009).

6 Here, Defendant Arthur George has twice failed to appear before the court after being  
7 ordered to do so. (Docs. 37, 43.) On September 5, 2012, Defendant failed to appear as ordered  
8 before United States Magistrate Judge Barbara Lynn Major for a Judgment Debtor Examination,  
9 and on November 19, 2012, Defendant failed to appear before this Court as ordered for a hearing  
10 to show cause related to his failure to appear for the Judgment Debtor Examination. The United  
11 States Marshals Service personally served both court orders. (Docs. 36, 42.) The evidence  
12 before the Court shows by clear and convincing evidence that Defendant's violation of the court  
13 orders was complete noncompliance and is not based on a good faith or reasonable interpretation  
14 of the orders. *See Labor/Cnty. Strategy Ctr.*, 564 F.3d at 1123. Therefore, the Court finds  
15 Defendant in civil contempt.

16 Accordingly, the Court **ORDERS** the United States Marshals Service to personally escort  
17 Defendant to the United States District Court in order to address his civil contempt on  
18 **December 6, 2012 at 11:00 a.m.** in Courtroom 14. The Court further **ORDERS** Defendant to  
19 come prepared for a Judgment Debtor Examination, and bring copies of his latest federal and  
20 state tax returns on the aforementioned date. In light of Defendant's repeated failures to comply  
21 with court orders, **any further noncompliance will result in imprisonment.** A fine may also  
22 be imposed.

23 **IT IS SO ORDERED.**

24  
25 DATED: December 3, 2012

26   
27 M. James Lorenz  
28 United States District Court Judge

1 COPY TO:

2 HON. WILLIAM MCCURINE, JR.  
3 UNITED STATES MAGISTRATE JUDGE

4 CAROL M. LEE  
5 U.S. ATTORNEY'S OFFICE  
6 SOUTHERN DISTRICT OF CALIFORNIA  
7 CRIMINAL DIVISION

8 ARTHUR L. GEORGE  
9 4267 MT. HERBERT AVENUE  
10 SAN DIEGO, CA 92117

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28