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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA.

> Plaintiff(s), VS.

MAUREEN MANOS,

Defendant(s).

CASE NO. 15cv1048-LAB (BGS)

ORDER GRANTING MOTION TO QUASH SUBPOENA DUCES TECUM AND VACATE CONTEMPT **PROCEEDINGS**

The United States Department of Veterans Affairs (VA) filed a motion to (1) quash Maureen Manos' subpoena duces tecum to the VA in San Diego Superior Court Case No. CN340285; and (2) vacate the contempt proceedings against the VA in the same case. (Docket no. 2.)

The hearing on the VA's motion is calendared for June 15, 2015 at 11:30 a.m.. (Docket no. 3.) Manos hasn't filed an opposition to the motion within the time permitted under Civil Local Rule 7.1(e)(2), and has not sought leave to delay filing or to continue the hearing. Nor has Manos complied with Civil Local Rule 7.1(f)(3)(a)'s requirement that she either oppose the motion or file a statement of non-opposition. Manos is represented by counsel. As provided under Civil Local Rule 7.1(f)(3)(c), failure to timely oppose a motion may constitute consent to granting the motion.

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Additionally, "where a subpoena is issued to a non-party federal government agency in conjunction with litigation in state court, the state court may not enforce the subpoena against the federal government due to federal sovereign immunity." *Commonwealth of Puerto Rico v. United States*, 490 F.3d 50, 61 n.6 (1st Cir. 2007); see also In re Elko Cnty. *Grand Jury*, 109 F.3d 554, 556 (9th Cir. 1997) (same). "[F]ederal courts have consistently held that they lack jurisdiction to enforce the subpoena in cases where the government has removed the subpoena proceedings to federal court." *Puerto Rico*, 490 F.3d at 61 n.6. The same is true here.

For these reasons, the VA's motion is **GRANTED**. This case is **DISMISSED**. **IT IS SO ORDERED**.

DATED: June 10, 2015

HONORABLE LARRY ALAN BURNS United States District Judge

Carry A. Burn

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