

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

EBENEZER K. HOWE IV, and PHI
DEVELOPMENT LLC,

Defendants.

Case No. 2:19-cv-00421-DCN

**MEMORANDUM DECISION AND
ORDER**

Pending before the Court is Defendant Ebenezer Howe's Emergency Motion for Temporary Preliminary Injunction. Dkt. 115.

In essence, Howe presents his oft-repeated argument that the United States of America has previously, is currently, and/or will prospectively falsify documents in this case. Howe asks that the Court enjoin the United States from taking such nefarious action.

Discovery in this case has only just begun (if it has begun at all) and the Court is not privy to any of the documents Howe now calls into question. In her recent denial of Howe's Motion for Summary Judgment, Judge Dale aptly noted that, at this stage of the case, "the Court does not know what documents, evidence, or testimony the Government may or may not have in support of [its claims]." Dkt. 117, at 6. In like manner, the undersigned is not in a position to review, or even comment on, documents that may or may not be part of this case.

As the undersigned has already stated: “it will be better for everyone—including Howe—to engage in discovery before presenting arguments to the Court for adjudication.” Dkt. 99, at 2.

Howe spent the first few years of this case requesting (quite forcefully at times) certain documents from the United States. Now that discovery has begun, however, he seems intent on thwarting the process. Howe is directed to participate in discovery respectfully and fairly with the United States. The Court cannot consider any of Howe’s arguments relative to discovery and certain documents until discovery actually takes place and documents are produced for review.

ORDER

1. Howe’s Emergency Motion for Temporary Preliminary Injunction (Dkt. 115) is DENIED.



DATED: January 31, 2022



David C. Nye
Chief U.S. District Court Judge