

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF MISSOURI
 SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:14-CV-111 (CEJ)
)	
JAMES L. SHANDY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

On July 9, 2015, the court entered an order compelling defendant to “make the required Fed.R.Civ.P. 26(a)(1) disclosures, provides answers to the government’s interrogatories and request for admission, and produce all documents responsive to the government’s requests for production.” The deadline for compliance was July 20, 2015. Defendant was warned that **“his failure to comply will be construed as willfulness and bad faith and will result in the imposition of sanctions as authorized by Rule 37(b)(2)(A), which may include striking his answer and entering default judgment against him.”** [Doc. # 26] (emphasis in original).

On July 27, 2015, the government received a package of documents from defendant, which included a document entitled “Response to United States First Set of Request for Admissions and First Set of Interrogatories with Request to Strike Plaintiff’s Requests for Sanctions under Rule 37(d).” See Gov’t Ex. 1 [Doc. # 91]. This document merely reiterates defendant’s previous objections to the government’s claims against him. It does not include the required Rule 26(a)(1) disclosures or answers to the government’s interrogatories and requests for

admission. The government represents to the court that the additional documents included in defendant's mailing do not appear to be responsive to its requests for production.

The court finds that defendant has willfully and in bad faith failed to comply with the orders of this court and the Federal Rules of Civil Procedure, and that his conduct warrants the imposition of sanctions under Rule 37(b)(2)(A). The court accordingly will strike defendant's answer and direct the entry of default against him.


Accordingly,

IT IS HEREBY ORDERED that the government's motion for sanctions [Doc. # 23] is **granted**.

IT IS FURTHER ORDERED that defendant's answer [Doc. # 9] is **stricken**, pursuant to Fed.R.Civ.P. 37(b)(2)(A)(iii).

IT IS FURTHER ORDERED that the Clerk of Court shall enter default against defendant. Fed.R.Civ.P. 55(a).

IT IS FURTHER ORDERED that the government shall, not later than **September 17, 2015**, file a motion for default judgment, supported by all necessary affidavits and documentation.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 21st day of August, 2015.