

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 05-4046-CV-C-NKL
)	
ANTHONY C. THOMPSON,)	
)	
Defendant.)	

REPORT, RECOMMENDATION AND ORDER

On November 14, 2008, the United States filed a Motion for Examination of Judgment Debtor. On the same day, this case was referred to this Court for processing and handling, pursuant to Local Rule 72.1(k) and 28 U.S.C. § 636. On November 14, 2008, this Court entered an Order Setting Examination of Judgment Debtor requiring defendant Anthony C. Thompson to appear on December 8, 2008, to undergo an examination, under oath, concerning his ability to satisfy plaintiff’s judgment. A copy of the Order Setting Examination of Judgment Debtor was served upon the defendant, by regular and certified mail, at the defendant’s last known address of 5290 N. Creasy Springs Road, Columbia, Missouri 65202. The certified mail was returned by the United States Postal Service as unclaimed. Notice of the examination sent to the defendant by regular mail was not returned by the United States Postal Service. The defendant failed to appear on December 8, 2008, for the examination as ordered.

A Motion for Order to Show Cause why Defendant Should Not be Held in Contempt was filed by the United States on December 15, 2008. On December 17, 2008, this Court issued an Order Directing Defendant to Show Cause, in writing, within fifteen days from the date of the Order why he should not be held in contempt for failing to appear on December 8, 2008, as ordered. The defendant was warned that failure to respond to this Court’s show cause order would subject him to arrest and punishment for contempt. As of this date, the defendant has not filed a response to this Court’s December 17, 2008 show cause order.

Defendant Anthony C. Thompson has failed to show cause why he should not be held in contempt for failing to appear at the December 8, 2008 judgment debtor examination. Accordingly, it is

RECOMMENDED that the United States District Court Judge, after making her own independent review of the record, hold the defendant in contempt of this Court, and direct the United States Marshal for the Western District of Missouri to arrest the defendant, and bring him before the Court. It is further

ORDERED that the Clerk of the United States District Court is directed to serve a copy of this Report and Recommendation, by certified mail and regular United States mail, upon the defendant, Anthony C. Thompson, at his last known address of 5290 N. Creasy Springs Road, Columbia, Missouri 65202.

Under 28 U.S.C. § 636(b)(1), the parties may make specific written exceptions to this recommendation within ten (10) days. If additional time is needed, a motion for an extension of time must be filed within ten days. The motion should state the reasons for the request. See Nash v. Black, 781 F.2d 665, 667 (8th Cir. 1986) (citing Thomas v. Arn, 474 U.S. 140 (1985)); Messimer v. Lockhart, 702 F.2d 729 (8th Cir. 1983). Failure to make specific written exceptions to this report and recommendation may result in a waiver of the right to appeal.

Dated this 30th day of January, 2009, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX
United States Magistrate Judge