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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,
Plaintiff(s),

vs.

Bill Sunga Modina, d/b/a 5M Financial and 6M
Financial,
Defendant(s).

2:14-cv-00474-JAD-MDC

**ORDER CAUTIONING DEFENDANT
REGARDING EX PARTE
COMMUNICATIONS AND DIRECTING
THE DEFENDANT TO UPDATE HIS
ADDRESS**

10 The Court's Courtroom Administrator received certain email correspondence dated July 8, 2024
11 and July 9, 2024 from defendant Bill Sunga Modina using email address billmodina@gmail.com. Such
12 email correspondence is improper *ex parte* communication and the defendant is cautioned that such *ex*
13 *parte* communications are prohibited. Any requests or communications with the Court must be filed,
14 served on all parties, and in compliance with the Federal Rules of Civil Procedure and this Court's Local
15 Rules.

16 The Court also notes that the pending Report and Recommendation was returned as
17 undeliverable. Pursuant to LR IA 3-1, plaintiffs must immediately file written notification with the court
18 of any change of address. Defendant has not done so here. In addition to updating his address, defendant
19 Modina may also file a motion to be allowed to file electronically.

20 **IT IS ORDERED** that:

- 21 1. Defendant Bill Sunga Modina, d/b/a 5M Financial and 6M Financial is CAUTIONED that
22 requests or communications with the Court must be filed on the public docket and served on
23 all parties. Any future attempts to communicate with the Court via email may lead to
24 sanctions being imposed on the defendant.
- 25 2. Defendant SHALL, by **August 9, 2024**, provide an updated address to the Court.

1 3. The Court Clerk is DIRECTED to BOTH EMAIL and MAIL copies of this Order and the
2 Court's previous Report and Recommendation (ECF No. 50) to:

- 3 a. billmodina@gmail.com
4 b. 7835 S. Rainbow #4-200, Las Vegas, NV 89139; and
5 c. 4467 Romona Falls Ave., Las Vegas, Nevada 89141.

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7 **NOTICE**

8 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
9 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
10 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
11 may determine that an appeal has been waived due to the failure to file objections within the specified
12 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file
13 objections within the specified time and (2) failure to properly address and brief the objectionable issues
14 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the
15 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*
16 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, plaintiffs must immediately file written
17 notification with the court of any change of address. The notification must include proof of service upon
18 each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel.

19 **Failure to comply with this rule may result in dismissal of the action.**

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21 Dated this 9th day of July 2024.

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25 Hon. Maximiliano D. Couvillier III
United States Magistrate Judge