

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 11-1084-EFM-DJW

\$15860.00 IN UNITED STATES
CURRENCY, more or less,

Defendant.

MEMORANDUM AND ORDER

Plaintiff United States of America has filed an Amended Motion to Compel Production of Discovery From Claimant Jose Ledezma (ECF No. 20). It requests an order, pursuant to Fed. R. Civ. P. 37(a)(3), compelling the claimant Jose Ledezma to respond completely and fully to its First Set of Rule G(6) Special Interrogatories to Purported-Claimant Jose Ledezma. Plaintiff has also filed a Certificate of Compliance with D. Kan. Rule 37.2 describing its attempts to confer with claimant's counsel concerning the discovery sought. Plaintiff indicates that on July 11, 18 and 26, 2011, claimant's counsel stated that he had not had contact with claimant Jose Ledezma and was unable to provide the requested discovery.

Plaintiff served its First Set of Rule G(6) Special Interrogatories upon claimant Jose Ledezma on May 31, 2011. Upon the unopposed motion of claimant Ledezma, the Court extended the deadline for providing the responses to the discovery request to July 8, 2011. This motion was filed on August 5, 2011.

Claimant Ledezma has not filed any response to the motion to compel within the 14-day time period set forth in D. Kan. Rule 6.1(d)(1). Pursuant to D. Kan. Rule 7.4(b), "[i]f a responsive brief

or memorandum is not filed within the Rule 6.1(d) time requirements, the court will consider and decide the motion as an uncontested motion. Ordinarily, the court will grant the motion without further notice.” The Court will therefore grant the motion as uncontested under D. Kan. Rule 7.4(b).

IT IS THEREFORE ORDERED THAT the United States’ Amended Motion to Compel Production of Discovery From Claimant Jose Ledezma (ECF No. 20) is granted. Claimant Jose Ledezma is hereby ordered to respond completely and fully to the United States’ First Set of Rule G(6) Special Interrogatories to Purported-Claimant Jose Ledezma within **fourteen (14) days of the date of this Order.**

IT IS FURTHER ORDERED THAT within twenty-one (21) days from the date of this Order claimant Jose Ledezma shall show cause in writing, why the Court should not order payment of Plaintiff’s reasonable expenses incurred in making the motion, pursuant to Federal Rule of Civil Procedure 37(a)(5)(A). Within fourteen (14) days thereafter Plaintiff may respond thereto, and claimant Ledezma may then reply within fourteen (14) days of service of the response.

Dated in Kansas City, Kansas, on this 7th day of September, 2011.

s/ David J. Waxse

David. J. Waxse

United States Magistrate Judge