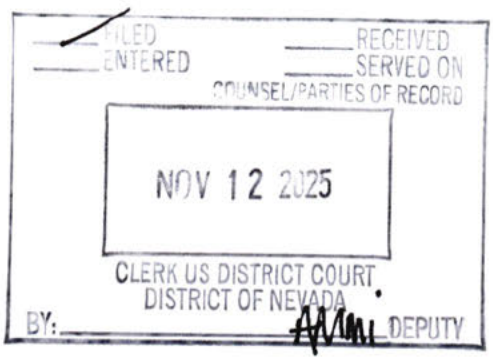
Andy Michael Thompson
[redacted]
Plaintiff, Pro Se



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Andy Michael Thompson, Plaintiff Pro Se,
v.
Nevada Secretary of State, Defendant.

Case No. 2:25-cv-01284-CDS-EJY

PLAINTIFF'S RULE 72(a) OBJECTION TO MAGISTRATE ORDERS (ECF 23 & ECF 24)

I. INTRODUCTION

Plaintiff objects under Fed. R. Civ. P. 72(a) to the Magistrate's Orders (ECF 23 & 24) entered November 7, 2025. The Orders deny preservation and sanctions while finding that Defendant is the "sole source" of the evidence and expressing "confidence" in Defendant's compliance. Those findings trigger duties the Orders then decline to

enforce and directly conflict with the record Defendants put before the Court. Each denial is clearly erroneous or contrary to law.

II. STANDARD OF REVIEW

Rule 72(a) requires the district judge to "modify or set aside any part of the order that is clearly erroneous or contrary to law." Legal conclusions are reviewed de novo; a factual finding is clearly erroneous when it conflicts with the undisputed record or with the order's own premises.

III. ARGUMENT

1. Duty to Preserve — Custody Without Compliance

Order (ECF 23 at 2):

> "Defendant is in possession and control of the evidence and is the sole source of the evidence."

Order (same page):

> "There is no doubt the State is on notice of litigation and, thus, has a duty to preserve evidence it knows or should know is relevant to Plaintiff's claims or the State's defenses."

Under 52 U.S.C. § 20701 and Fed. R. Civ. P. 34(a)(1), 37(e), exclusive **custody** and notice activate a preservation duty. The Order

nevertheless denies preservation for lack of "evidence of destruction" **without** requiring any **proof of preservation** (e.g., imaging logs, retention attestations) from the sole custodian. The Order's own findings (custody + duty) trigger the obligation it declines to enforce: it is clear error, an error that recurs to the same party's benefit.

2. Delegation as Evasion — Control Without Accountability

Order (ECF 23 at 2):

> "Defendant is … the sole source of the evidence."

Opposition (p.4, L24–25):

> "County clerks are also responsible for maintaining and safeguarding specific election records."

Delegation cannot extinguish a non-delegable federal retention duty (§ 20701; cf. burden structure in Rule 37(e)). The Court's "sole source" finding magnifies accountability, yet the **Orders require no** showing of **preservation** and implicitly tolerate Defendant's shift to counties. Control without proof is not compliance; it is evasion ratified.

3. Foreseeability of Litigation — Chronology Versus Finding

Order (ECF 24 at 2):

> "Plaintiff does not demonstrate that … Defendant could reasonably foresee Plaintiff's litigation."

Ott Email / Opposition (p.3, L11–12):

> "… installation may begin July 21st"; "records … will be overwritten to facilitate the next elections—programs on voting machines."

Federal summons issued July 15; overwrites were authorized July 21.

The Order's "no foreseeability" **finding is** chronologically **impossible** on this record; foreseeability pre-dated alteration. This is clear error.

ADDITIONAL RECORD ADMISSION:
DEFENDANT'S OWN NOTICE OF LITIGATION.

Defendant's Opposition (p. 6, L2–6) expressly acknowledges that this federal lawsuit commenced on July 15, 2025, and that related state litigation was ongoing in the Nevada Supreme Court. That admission establishes dual notice—actual and constructive—before any authorized system alterations. The Magistrate's finding that Defendant "could not reasonably foresee litigation" (ECF 24 at 2) is therefore refuted by the Defendant's own pleading. The denial's predicate contradicts the record it purports to rely upon.

4. RELIANCE ON REPRESENTED STATE PROCESS — FEDERAL DUTY SUBORDINATED

Opposition (p.2, L19–21):

> "Following NRS 293.407–435's process would provide a contestant with an ability to inspect those records, but Plaintiff did not follow that process and can no longer do so."

Order (ECF 23 at 2):

> "The Court is confident that the State has complied and will continue to comply with the duty to preserve."

The Defendant confined all record access to the state-contest procedure in NRS 293.407–435. Although the Order never cited that statute, it accepted the same premise by treating the State's assurances of compliance as conclusive and by denying discovery on the ground that "the State has complied." In effect, the Court credited preservation through the state-law framework rather than testing compliance under the independent federal standard of 52 U.S.C. § 20701.

That sequence matters. The State argued that Plaintiff's rights lapsed because he did not invoke the state contest statutes; the Court then adopted the State's claim of compliance and denied relief. Together, those positions produce the subordination *Felder v. Casey*, 487 U.S. 131 (1988), forbids, a federal preservation duty conditioned on a state procedural prerequisite.

By adopting the Defendant's **representation without verifying preservation** or applying § 20701, the Order transformed a statutory duty into a matter of state discretion. This inversion of hierarchy, where state procedure overrides a federal command, constitutes legal error within the meaning of Rule 72(a).

SUPPORTING RECORD OBSERVATION

Plaintiff's motion expressly invoked 52 U.S.C. § 20701 in its caption and argument as the controlling federal preservation duty. Neither ECF 23 nor ECF 24 mentions that statute. This omission appears not as defiance but as a mischaracterization of the motion's nature. By treating a statutory preservation obligation as an ordinary discovery issue governed only by Rule 37(e), the Orders applied the wrong body of law. The error is therefore contrary to law within the meaning of Rule 72(a), though not beyond the Magistrate's authority. Correction is warranted.

5. PREMATURITY — SCHEDULED DESTRUCTION IS IMMINENT

Order (ECF 24 at 1):

"Plaintiff's Motion is, at best, premature."

Opposition (p.3, L11–12):

> "records … will be overwritten to facilitate the next elections—programs on voting machines."

Once **alteration is authorized**, preservation is no longer premature; it is required. The scheduled overwrites were not speculative but declared in advance. Calling an admitted and scheduled destruction "premature" reverses law and logic, and deprives Rule 37(e) of its preventative purpose.

6. SPOLIATION BY OVERWRITE ADMISSION — DEFINITION MEETS CONFESSION

Order (ECF 24 at 1):

> "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation."

Opposition (p.3, L11–12):

> "records … will be overwritten …"

The Court defined spoliation yet ignored the **Defendant's admission** that records would be overwritten. Under Rule 37(e), destruction or alteration of evidence in reasonably foreseeable litigation constitutes spoliation. The Court possessed both elements of that rule, its own definition and the Defendant's confession, but declined to connect them.

Definition joined to confession establishes spoliation as a matter of law. The refusal to apply the definition to the admitted act is clear error.

7. CERTIFICATION AS SHIELD NARRATIVE — CONFIDENCE WITHOUT PREDICATE

Order (ECF 23 at 2):

> "The Court is confident the State has complied and will continue to comply with the duty to preserve."

Opposition (p. 20 L10–14):

> "The Dominion update at issue is an EAC-certified update for, among other things, security purposes. … There is no public interest in preventing security updates to voting systems."

The Court's confidence rests on the Defendant's invocation of certification and "security-update" virtue. Yet EAC certification concerns design conformance, not forensic preservation, and TR-01-01-DVS-2023-01.05, publicly available at, https://www.eac.gov/voting-equipment/dominion-democracy-suite-d-suite-520, describes destructive operations (Trusted Build, firmware flashing, and operating-system upgrades) on pages 25 and 41–43, conducted without pre-imaging, hashing, or other measures that would preserve data integrity under 52 U.S.C. § 20701 and Rule 37(e).

Defendant's own Opposition confirms this sequence, admitting that "records … will be overwritten to facilitate the next elections — programs on voting machines" (Opp. p. 3 L11–12), but excusing the destruction by claiming Plaintiff "cannot establish irreparable harm because he has no ability to access them." In other words, the loss is conceded but declared harmless on the premise of inaccessibility. That is not preservation; it is self-exonerating destruction. The admission establishes overwriting as an affirmative act, not a hypothetical risk, and the claimed lack of access only underscores foreseeability of harm. By redefining spoliation as harmlessness, Defendant substitutes rhetoric for duty. Under Rule 37(e), destruction admitted and harm anticipated satisfies the predicate; the Court's obligation was to assess intent and remedy, not to treat confessed loss as compliance.

By July 15, litigation was active; on July 21, the Secretary authorized installation (Ott Email, ECF 1-1). Overwriting firmware after notice is a foreseeable alteration of relevant evidence. Under Rule 37(e), reasonable steps to prevent loss, such as forensic imaging before alteration, are mandatory. Labeling a destructive operation as a "security update" does not convert erasure into compliance.

Certification may confirm administrative approval; it cannot absolve the statutory duty to preserve. **Confidence** drawn **from** that **rhetoric** is not a finding of fact but a departure from it.

8. False Safeguard Claim — Discretionary Destruction

Ott Email / Opposition (p.3, L11):

> "... installation may begin July 21st"; "records ... will be overwritten."

Updates are discretionary, not compelled by any statute or court order. Without pre-imaging, they constitute affirmative destruction under 52 U.S.C. § 20701 and Rule 37(e). The Defendant's portrayal of overwriting as an act of public virtue, "There is no public interest in preventing security updates" (Opp. p. 20 L13-14), is a rhetorical inversion that elevates policy language over statutory command.

Calling a destructive process a "security update" does not negate its legal character; it **rebrands spoliation as compliance**. When preservation law is turned upside down to reward erasure, duty ceases to exist and error becomes institutional. The Orders thus validate an operation that the record admits is scheduled and destructive, creating

a self-nullifying finding in direct conflict with 52 U.S.C. § 20701 and Rule 37(e).

9. PROOF-BURDEN INVERSION — FORCING PROOF OF A NEGATIVE OUTSIDE THE VAULT

Orders (ECF 23 at 2; ECF 24 at 2):

> "Plaintiff offers no evidence that there has been a destruction of information ..." /
> "Plaintiff does not demonstrate ... foreseeability ..."

Order (ECF 23 at 2):

> "... sole source of the evidence."

Requiring Plaintiff to prove internal destruction while acknowledging Defendant's exclusive control reverses Rule 37(e)'s burden.

The custodian must show preservation adequacy. The inversion is contrary to law and exemplifies the same directional imbalance later visible in the paired Orders.

The contradiction within Defendant's own Opposition compounds the inversion. On page 3, Defendant concedes:

> "records ... will be overwritten to facilitate the next elections — programs on voting machines — Plaintiff cannot establish irreparable harm because he has no ability to access them." (Opp. p. 3)

Yet ten pages later the same pleading asserts:

> "Beyond that, however, Plaintiff offers no evidence that any record is in danger of destruction. He therefore has not carried his burden of showing any reasonable probability of irreparable harm as to any other record." (Opp. p. 13.)

The first statement is a confession of destruction; the second is its erasure. The Magistrate's Orders then adopt the latter almost verbatim, "no evidence of destruction", while disregarding the earlier admission. That textual replication transforms a party's contradiction into a judicial finding, inverting Rule 37(e)'s burden structure and creating clear error under Rule 72(a).

10. CERTIFICATION VS. "CONFIDENCE," — ASSURANCE IS NOT EVIDENCE

Order (ECF 23 at 2):

> "The Court is confident the State has complied and will continue to comply with the duty to preserve."

Opposition (p.13 L20-21, p. 20 L10-14):

> "At best, the record in this case reflects that the Secretary has authorized counties to update their Dominion voting machines. Beyond that, however, Plaintiff offers no evidence that any record is in danger of destruction."

> "The Dominion update at issue is an EAC-certified update for, among other things, security purposes. … There is no public interest in preventing security updates to voting systems."

The Court's **confidence is not a finding**, it is a transcription of advocacy. The Opposition declared compliance and invoked EAC certification as a shield, and the Court adopted that assertion as fact. No affidavit, image, or custody record verifies preservation. Certification governs design, not data. A security update rewrites evidence; it does not preserve it.

By equating administrative approval with legal compliance, the Court collapsed proof into presumption. Confidence displaced evidence, and certification became immunity. Rule 52(a) forbids findings without record proof. Confidence is not evidence; it is assumption. Under Rule 37(e), the Court was required to test preservation, yet it credited rhetoric over record. That omission is not discretion, it is clear error under Rule 72(a).

The shift from proof to presumption extinguishes the right to adjudication by evidence. It replaces the republican safeguard of law with administrative trust. The record demands correction: assurance cannot substitute for evidence, and confidence cannot cure noncompliance.

11. INTENT MISAPPLICATION — DUTY AND INTENT COLLAPSED

Order (ECF 24 at 2):

> "Plaintiff does not demonstrate … Defendant could reasonably foresee … or that Defendant acted with intent to deprive."

Opposition (p.3, L11):

> "records … will be overwritten."

Authorizing overwrites after formal notice of litigation, Ott July 10, summons July 15, installs July 21, demonstrates intent by act under Rule 37(e)(2). The Secretary was on notice in both the active state appeal and this federal action, making the preservation duty unmistakable. Once litigation was **foreseeable**, the duty to preserve attached, and overwriting records in that interval constitutes knowing **destruction of evidence**. The Order merged foreseeability and intent into a single denial, erasing the sequence the rule was designed to test.

12. STANDING PRETEXT — MOOTING BY DESTRUCTION

Order (ECF 23 at 2): references "early discovery" and standing posture.

Preservation exists to prevent evidence loss from defeating jurisdiction. Denying preservation because **standing** is unresolved allows destruction to decide the issue. That is procedural **inversion**: the Court

extinguished the evidence that would establish its own **power** to adjudicate, clear error under Rule 72(a).

13. MEET-AND-CONFER PRETEXT — CIRCULAR BAR ENABLING LOSS

Order (ECF 24 at 1):

> "No discovery plan and scheduling order are in place and there is no evidence of the mandatory meet and confer."

Opposition (p.3, L11):

> "records … will be overwritten."

Rule 26(d) governs discovery sequencing, not preservation. When loss is imminent, courts routinely authorize emergency preservation independent of a discovery plan. The Order converted a cooperative prerequisite into a jurisdictional barrier, conditioning preservation on procedures that could not occur before discovery itself. That circular requirement nullifies the purpose of Rule 37(e) and permits the very destruction preservation exists to prevent. **Procedure cannot** be weaponized to **enable spoliation**; denying preservation because no meet-and-confer occurred in the face of scheduled overwrites is clear error.

14. RECIPROCAL CONTRADICTION — DUAL ORDERS NULLIFY EACH OTHER

Order (ECF 23 at 2):

> "There is no doubt the State is on notice of litigation and, thus, has a duty to preserve evidence … The Court is confident the State has complied …"

Order (ECF 24 at 2):

> "Plaintiff does not demonstrate that, at a time when relevant evidence was supposedly altered or destroyed, Defendant could reasonably foresee Plaintiff's litigation."

Ott Email / Opposition (p. 3 L 11):

> "… installation may begin July 21st" / "records…will be overwritten"

"Has complied" in Order 23 looks back into the July 21–Sept 30 overwrite period; Order 24 denies foreseeability for that same window. Both cannot be true. Mutual exclusivity cannot be converted to judicial clarity. Notice (July 10) and service (July 15) pre-dated every overwrite: the preservation duty was already active. By affirming compliance in one order and denying foreseeability in another, the **Court** produced **findings** that **are** internally **inconsistent and** therefore **reversible** under Rule 72(a).

15. DIRECTIONAL INCONSISTENCY — FAVOR BY CONTRADICTION

CONCOMITANT ORDERS CANNOT BE RECONCILED ON NEUTRAL PRINCIPLES

In ECF 23, the Court, presupposing awareness of litigation, possession of evidence and fulfillment of federal duty, found that,

> "the State has complied and will continue to comply with the duty to preserve."

Yet in ECF 24, the same Court held that,

> "Plaintiff does not demonstrate that, at a time when relevant evidence was supposedly altered or destroyed, Defendant could reasonably foresee Plaintiff's litigation."

Both findings address the same Defendant and the same period; they cannot both be true. The first assumes knowledge and compliance; the second denies foreseeability and thus extinguishes the very duty the first presupposes. Each outcome absolves the State, one by declaring virtuous preservation, the other by finding innocence through ignorance. This **directional inconsistency is** not merely error but bias by structure: the Court's reasoning bends in a single direction, transforming discretion into **advocacy**. Such asymmetrical treatment of identical facts renders both Orders clearly erroneous and contrary to law.

16. STRUCTURAL BIAS — FOURTH COUNSEL FOR THE DEFENSE

Orders (ECF 23 p. 2; ECF 24 p. 2):

> "The State has complied and will continue to comply."
> "No evidence that there has been a destruction of information by the State."
> "Plaintiff does not demonstrate … Defendant could reasonably foresee Plaintiff's litigation."

Opposition (ECF 15):

- "The records he demands … are not in the Secretary's possession … the county clerks maintain those records." (p. 3 L9-10; p. 14 L2)
- "At best, the record … reflects that the Secretary has authorized counties to update their Dominion voting machines. … Plaintiff provides no evidence of the imminent destruction of records." (p. 13 L16-21)
- "The Dominion update at issue is an EAC-certified update for … security purposes. … There is no public interest in preventing security updates to voting systems." (p. 20 L10-14)

Each decisive phrase in the Orders reproduces these Defense positions: denial of imminent destruction, deflection of custody, and substitution of certification rhetoric for proof of preservation. The Court's language tracks advocacy almost verbatim, not analysis; its findings echo the Attorney General's brief rather than the record. The duplication is literal. The Orders reproduce the Defense's phrasing and even its internal inconsistency, embracing the denial of destruction from page

13 while ignoring the prior admission on page 3. This selective mirroring replaces analysis with advocacy and makes bias visible in text. Three government attorneys argued; the Court joined as a fourth.

Under *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972), a trial judge must protect a pro se litigant from procedural forfeiture, a duty that heightens when opposing institutional counsel. By replicating advocacy instead of refereeing it, the Court abandoned neutrality. Replication of rhetoric is not adjudication; it is alignment. Such **alignment transforms** the judicial role from **arbiter to advocate**, rendering both Orders clearly erroneous and contrary to law under Rule 72(a).

When confidence replaces evidence, judgment becomes self-validating; assurance cannot serve as verdict.

17. Conflation of Rules — Preservation Mistaken for Discovery

Orders (ECF 23 at 1–2; ECF 24 at 1):

> "No discovery plan and scheduling order are in place and there is no evidence of the mandatory meet and confer."
> "Plaintiff's Motion is, at best, premature."

Opposition (p.3, L11-12):

> "records … will be overwritten to facilitate the next elections—programs on voting machines".

The Magistrate denied both ECF 21 (Sanctions) and ECF 22 (Production) by imposing Rule 37(a)(1)'s meet-and-confer requirement, a procedural step that governs discovery disputes, not spoliation or emergency preservation. This is a categorical **misclassification** and contrary to law under Rule 72(a).

A. RULE 37(E): SPOLIATION SANCTIONS — NO MEET-AND-CONFER REQUIRED

Rule 37(e) governs loss of ESI that should have been preserved in anticipation of litigation. It **applies** before discovery begins and contains no conferral requirement. Defendant admitted destruction: "records … will be overwritten …" (Opp. p. 3).

No conference could restore data already lost. Applying Rule 37(a)(1) to a Rule 37(e) motion nullifies the rule's purpose. See *Apple Inc. v. Samsung Elecs. Co.*, 888 F. Supp. 2d 976, 989 (N.D. Cal. 2012) (37(e) motion granted pre-discovery, no conferral required).

B. EMERGENCY IMAGING — PRESERVATION, NOT DISCOVERY

ECF 22 sought imaging to prevent further overwriting, not to obtain trial evidence. Such motions arise under Rule 26(c) or the Court's inherent authority and are often granted *ex parte* when loss is imminent. Requiring a meet-and-confer when destruction is scheduled defeats the rule's remedial function. See *Procter & Gamble Co. v. Haugen*, 427 F.3d 727, 738 (10th Cir. 2005); *Peskoff v. Faber*, 244 F.R.D. 54, 62 (D.D.C. 2007).

C. RESULTING PARADOX — CIRCULAR BAR ENABLING LOSS

The Magistrate applied discovery rules to preservation crises, producing **a closed procedural loop**:

> Denied imaging because discovery had not begun, and so permitted destruction.
>
> Denied sanctions because no conferral occurred, and so ignored admitted loss.

This circular bar converts a duty to preserve into an impossibility to enforce. Preservation and sanction motions are not subject to Rule 37(a); they are standalone remedies.

Conclusion

Neither ECF 21 nor ECF 22 required meet-and-confer. Both were timely, lawful invocations of the Court's preservation authority under Rule 37(e) and Rule 26(c). The Magistrate's conflation of procedural categories created reversible error under Rule 72(a).

18. CONFLICT OF INTEREST — STRUCTURAL SELF-INTEREST IGNORED

Order (ECF 24 p. 2):

> "No evidence that Defendant acted with intent to deprive."

Defendant, as both the official custodian of 2024 election records and a 2024 candidate whose administration those records concern, occupied **a dual role** that **creates** an appearance of **self-interest**. This structural conflict was judicially noticeable from public filings and statutes but unaddressed in the Orders.

When a custodian acts in a way that foreseeably eliminates evidence reflecting upon its own administration, courts infer **intent** under Rule 37(e)(2). See *Chin v. Port Auth.*, 685 F.3d 135 (2d Cir. 2012).

By disregarding that conflict, the Magistrate made a legal error in

evaluating intent, rendering the "no intent" finding clearly erroneous under Rule 72(a).

IV. CONCLUSION

The Orders' own words, "sole source," "notice," "has complied," "no foreseeability," **cannot stand** beside, or consistently favor, the record the Defendant introduced.

That record concedes: "records … will be overwritten …" and "… installation may begin July 21st." From these admissions arise knowledge, authorization, and destruction—not conjecture, but confession.

Where exclusive custody and formal notice exist, the **duty to preserve is absolute**. The Court, **however**, declined enforcement, relying on assurance in place of evidence, and thus reversed burden, erased accountability, and converted contradiction into compliance. The chain of facts **the Court found** (custody → notice → **compliance**) cannot coexist **without logic** collapsing under its own record.

The denials are therefore clearly erroneous **and contrary to law**. Plaintiff respectfully requests that this Court set aside ECF 23 and ECF 24, and **grant preservation** relief consistent with Rule 37(e) and 52 U.S.C. § 20701, thereby **restoring the record**, vindicating the duty, **and preserving** the integrity of the federal evidence and **the republican guarantee** it secures.

RELIEF REQUESTED

For the reasons stated, Plaintiff respectfully requests that this Court, pursuant to Federal Rule of Civil Procedure 72(a):

1. Set aside Magistrate Orders ECF 23 and ECF 24 as clearly erroneous and contrary to law;
2. Direct Defendant to preserve all election-related electronic and physical records in its possession, custody, or control, consistent with 52 U.S.C. § 20701 and Rule 37(e);

3. Order production or imaging sufficient to confirm preservation of those materials; and
4. Grant such further relief as the Court deems just and proper to restore the integrity of the evidentiary record.

Dated: November 12, 2025

Respectfully submitted,

/s/ Andy Michael Thompson

[redacted]

Plaintiff, Pro Se

CERTIFICATE OF SERVICE

I certify that on November 12, 2025, I served this **Rule 72(a) Objection to Magistrate Orders (ECF 23 & 24)** via U.S. Mail upon:

Gregory D. Ott
Chief Deputy Attorney General
Office of the Nevada Attorney General
100 N. Carson Street
Carson City, NV 89701
gott@ag.nv.gov

/s/ Andy Michael Thompson
Plaintiff Pro Se

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Andy Michael Thompson, Plaintiff Pro Se,
v.
Nevada Secretary of State, Defendant.

Case No. 2:25-cv-01284-CDS-EJY

[PROPOSED] ORDER

Upon consideration of Plaintiff's Rule 72(a) Objection to Magistrate Orders ECF 23 and ECF 24, and good cause appearing,

IT IS HEREBY ORDERED that the Magistrate's Orders (ECF 23 and ECF 24) are SET ASIDE as clearly erroneous and contrary to law.

IT IS FURTHER ORDERED that Defendant, the Nevada Secretary of State, shall:

1. **Preserve** all election-related records, data, and electronically stored information within its possession, custody, or control, including materials held by county election officials acting under

its supervision, as required by 52 U.S.C. § 20701 and Fed. R. Civ. P. 37(e);

2. **Suspend or defer** any software, firmware, or configuration updates that would alter, overwrite, or delete existing data until forensic preservation by imaging or equivalent process is complete; and
3. **File within 14 days** a verified declaration detailing the specific steps taken to comply with this preservation order.

IT IS SO ORDERED.

Dated: _____

Cristina D. Silva
United States District Judge