

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**CASE NO. 14-MC-20938-ALTONAGA**

**UNITED STATES OF AMERICA,**

Petitioner,

vs.

**COLLEY BILLIE**, as Chairman,  
Miccosukee General Counsel,  
Miccosukee Tribe of Indians of Florida,

Respondent.

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**ORDER**

**THIS CAUSE** came before the Court upon Petitioner, the United States of America's (the "Government[']s") Motion for . . . Contempt . . . ("Motion") [ECF No. 35], filed November 6, 2014. Local Rule 7.1(a)(3) of the U.S. District Court for the Southern District of Florida provides:

Prior to filing any motion in a civil case, . . . counsel for the movant shall confer (orally or in writing), or make reasonable effort to confer (orally or in writing), with all parties or non-parties who may be affected by the relief sought in the motion in a good faith effort to resolve by agreement the issues to be raised in the motion. . . . At the end of the motion, and above the signature block, counsel for the moving party *shall certify* [in accordance herewith.]

(emphasis added). The Rule further states that "[f]ailure to comply . . . may be cause for the Court to grant or deny the motion and impose on counsel an appropriate sanction . . . ." *Id.* The Motion does not contain the required certification, and it is therefore unclear what efforts (if any) were made to confer with Respondent's counsel about the relief the Government requests.<sup>1</sup>

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<sup>1</sup> The correspondence between counsel for Petitioner and Respondent attached to the Motion was sent before the Eleventh Circuit denied Respondent's request for a stay on October 28, 2014.

CASE NO. 14-MC-20938-ALTONAGA

Accordingly, it is

**ORDERED AND ADJUDGED** that the Motion [ECF No. 35] is **DENIED WITHOUT PREJUDICE.**

**DONE AND ORDERED** in Miami, Florida, this 7th day of November, 2014.

  
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**CECILIA M. ALTONAGA**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record