

2004 SEP 27 AM 8:12  
FEDERAL DISTRICT COURT  
IDAHO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

HOLM CONSTRUCTION, LLC, an Idaho )  
Limited Liability Company, in the name of )  
THE UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DESERT SAGE CONTRACTORS, INC., an )  
Idaho Corporation, and DEVELOPERS )  
SURETY AND INDEMNITY COMPANY, )  
Surety, )  
 )  
Defendants. )  
\_\_\_\_\_ )

Case No. CV 03-273-E-LMB  
ORDER

Currently pending before the Court are Defendants' Motion For Stay of Default Judgment Entered on March 15, 2004 (Docket No. 14) and Defendants' Motion to Set Aside Default and Default Judgment Entered on March 15, 2004 (Docket No. 15). Having carefully reviewed the record and otherwise being fully advised, the Court enters the following Order.

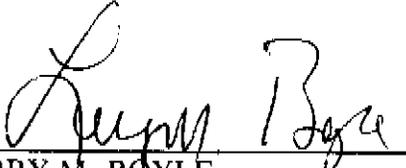
The instant motions were filed on August 16, 2004. As of the date of this Order, Plaintiff has failed to respond in any manner. Pursuant to District of Idaho Local Civil Rule 7.1, a responding party must serve and file a response to a motion within twenty-one (21) days after

service. In the event an adverse party fails to file any response documents required to be filed under this rule in a timely manner, such failure may be deemed to constitute a consent to the granting of the motion.

THEREFORE IT IS HEREBY ORDERED:

1. Defendants' Motion to Set Aside Default and Default Judgment Entered on March 15, 2004 (Docket No. 15) is GRANTED.
2. Defendants' Motion For Stay of Default Judgment Entered on March 15, 2004 (Docket No. 14) is MOOT.

DATED this 24<sup>th</sup> day of September, 2004.

  
\_\_\_\_\_  
LARRY M. BOYLE  
CHIEF MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT

United States District Court  
for the  
District of Idaho  
September 27, 2004

\* \* CLERK'S CERTIFICATE OF MAILING \* \*

Re: 4:03-cv-00273

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

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\_\_\_\_ Chief Judge B. Lynn Winmill  
\_\_\_\_ Judge Edward J. Lodge  
\_\_\_\_/ Chief Magistrate Judge Larry M. Boyle  
\_\_\_\_ Magistrate Judge Mikel H. Williams

Visiting Judges:  
\_\_\_\_ Judge David O. Carter  
\_\_\_\_ Judge John C. Coughenour  
\_\_\_\_ Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 9-27-04

BY: UM  
(Deputy Clerk)