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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

YOLANDA JIMENEZ,

Defendant.

1:15-cv-1638-LJO-SAB

**MEMORANDUM DECISION AND
ORDER RE PLAINTIFF’S MOTION
TO DISMISS (Doc. 9)**

Irsfeld, Irsfeld & Younger, LLP (“Irsfeld”), purportedly on behalf of the United States of America (specifically, the Department of Education (“DOE”)), brings this suit to collect on Defendant Yolanda Jimenez’s outstanding debt from a DOE-issued student loan. *See* Doc. 1. Irsfeld moves under Fed. R. Civ. P. 41(a)(2) to dismiss voluntarily the suit without prejudice because the firm cannot effectuate service on Defendant. Doc. 9 at 2. Irsfeld previously dismissed voluntarily an identical lawsuit against Defendant. *Id.*

Beyond stating that the Court has jurisdiction under 20 U.S.C. § 1080, Irsfeld’s five-paragraph complaint and supporting one-page DOE loan document do not provide any indication that it is authorized to collect Defendant’s debt on behalf of the United States. *See* Doc. 1 at ¶ 1. The Court therefore ORDERS that, by April 15, 2016, Irsfeld shall provide the Court with appropriate

1 documentation of its authority to bring the complaint or this case will be dismissed with prejudice.

2 Failure to file this documentation will result in an order to show cause in re contempt.

3 In the meantime, the instant motion will be held in abeyance.

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5 IT IS SO ORDERED.

6 Dated: April 1, 2016

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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