

1 In addition, Plaintiff has presented a letter from the Department of the Treasury to the
2 Department of Justice stating that action to collect against Defendant's debt should proceed,
3 and that although Defendant does not possess significant assets he is "currently involved in
4 a wrongful death lawsuit and may recover damages sufficient to pay off" his debt to the
5 United States. Doc. 15-2. Plaintiff also presented an affidavit from Plaintiff's counsel
6 asserting that Department of Justice files contain a letter "indicating that the Attorney
7 General has directed the action to be commenced" (Doc. 15-1 at 2) and has attached the letter
8 as an exhibit (Doc. 15-7). Defendant has not filed a reply and proffers no evidence to rebut
9 the government's exhibits.

10 Defendant has failed to meet his burden of rebutting the presumption of regularity
11 surrounding the commencement of this action.

12 **IT IS ORDERED** that Defendant's motion to dismiss (Doc. 14) is **denied**.

13 DATED this 22nd day of March, 2011.

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18 David G. Campbell
19 United States District Judge
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