

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

7

8

9

United States of America,

)

No. CV-11-0126-PHX-FJM

10

Plaintiff,

)

**ORDER**

11

vs.

)

12

NISE USA, LLC,

)

13

Defendant.

)

14

15

The United States seeks to collect a debt owed by NISE USA, LLC, an importer of tobacco products, under the Fair and Equitable Tobacco Reform Act of 2004, 7 U.S.C. § 518d (“FETRA”). The Act directs the Secretary of Agriculture, acting through the Commodity Credit Corporation (“CCC”), to impose quarterly assessments on manufacturers and importers of tobacco products to finance a program that helps tobacco farmers make the transition from a regulated to a free market. *Id.* § 518d. Manufacturers and importers may administratively contest an assessment within 30 business days of receiving notice of the assessment. *Id.* § 518d(i). Judicial review is available only after administrative remedies are exhausted. *Id.* § 518d(j).

24

The government contends that NISE failed to pay its FETRA assessments and failed to provide records of its tobacco products imports, as required by 7 U.S.C. § 518d(h). The government now seeks judgment in the amount of NISE’s current delinquent debt of \$32,610.35, plus interest. The government also requests an injunction compelling NISE to provide CCC with the records of its tobacco products imports required under FETRA.

25

26

27

28

