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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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Kenneth Lee Defoor; and Helen Ruth Defoor,

No. MC-09-8005-PHX-DGC

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Plaintiffs,

ORDER

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vs.

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United States; TransUnion, LLC; Experian Information Solutions; and Equifax Credit Information Services, Inc.,

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Defendants.

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Plaintiffs Kenneth and Helen Defoor commenced this action, on November 10, 2009, by filing a petition to quash summonses issued by the IRS to the three major credit reporting agencies. Dkt. #1. On January 8, 2010, the United States filed a motion to dismiss for lack of jurisdiction. Dkt. #3. Plaintiffs have filed no response, and the time for doing so has expired. *See* LRCiv 12.1(b), 56.1(d).

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The United States has presented evidence showing that the summonses at issue have been withdrawn. Dkt. ##3-1, 3-2. The United States argues, correctly, that withdrawal of the summonses renders this action moot by removing the case or controversy before the Court. Dkt. #3 at 2-3; *see Thompson v. United States*, No. 2:06-CV-993, 2007 WL 2778663, at *2 (S.D. Ohio Sept. 21, 2007); *Matz v. United States*, No. CIV 96-0957-PHX-SMM, 1996 WL 628469, at *2 (D. Ariz. July 24, 1996); *Dame v. United States*, 643 F. Supp. 533, 534 (S.D.N.Y. 1986). The Court will dismiss the petition.

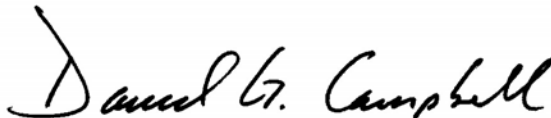
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IT IS ORDERED:

1. The United States' motion to dismiss (Dkt. #3) is **granted**.
2. Plaintiffs' petition to quash summons (Dkt. #1) is **dismissed**.
3. The Clerk is directed to **terminate** this action.

DATED this 23rd day of February, 2010.



David G. Campbell
United States District Judge