

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
LITTLE ROCK DIVISION**

**ROBERT HERRON**

**PETITIONER**

**V.**

**4:11MC00038 JMM**

**DEPARTMENT OF EDUCATION,  
INSPECTOR GENERAL**

**RESPONDENT**

**ORDER**

Petitioner has filed a Motion for Order Pursuant to Customer Challenge Provisions of the Right to Financial Privacy Act of 1978. The Court finds that the Petitioner has complied with Subsection (a) of 12 U.S.C. §3410.<sup>1</sup> Therefore, the Respondent is ordered to file a sworn response to the Motion. 12 U.S.C. §3410(b). The response should be filed with the Court on or before November 9, 2011.

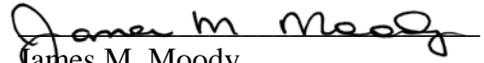
The Clerk is directed to mail a copy of this Order via certified mail to Brian R. Beers, United States Department of Education, Office of Inspector General, 1999 Bryan Street, Suite 1440, Dallas, TX 75201. The Clerk is further directed to include Mr. Beers, at the above stated address, as the representative of the Respondent.

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<sup>1</sup> Such motion or application shall contain an affidavit or sworn statement-  
(1) stating that the applicant is a customer of the financial institution from which financial records pertaining to him have been sought; and  
(2) stating the applicant's reasons for believing that the financial records sought are not relevant to the legitimate law enforcement inquiry stated by the Government authority in its notice, or that there has not been substantial compliance with the provisions of this chapter.

12 U.S.C.A. § 3410(a).

IT IS SO ORDERED this 26<sup>th</sup> day of October, 2011.

A handwritten signature in black ink that reads "James M. Moody". The signature is written in a cursive style with a horizontal line extending from the end of the name.

James M. Moody

United States District Judge