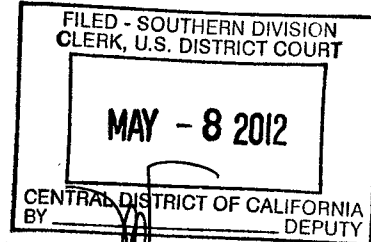


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United States of America



8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION

11 UNITED STATES OF AMERICA,) Case No. 8:12-cv-681 CJC (ANX)
12)
13 Petitioner,) [Proposed]
14) ORDER TO SHOW CAUSE
15 vs.)
16)
17 JEFFREY S. BENICE,)
18)
19 Respondent.)

20 Upon the Petition and supporting Memorandum of Points and
21 Authorities, and the supporting Declaration in Support of
22 Petition to Enforce Internal Revenue Service Summons, the Court
23 finds that Petitioner has established its *prima facie* case for
24 judicial enforcement of the subject Internal Revenue Service
25 (IRS) summons. See United States v. Powell, 379 U.S. 48, 57-58,
26 85 S.Ct. 248, 13 L.Ed.2d 112 (1964); see also Crystal v. United
27 States, 172 F.3d 1141, 1143-1144 (9th Cir. 1999); United States
28 v. Jose, 131 F.3d 1325, 1327 (9th Cir. 1997); Fortney v. United
States, 59 F.3d 117, 119-120 (9th Cir. 1995) (the Government's
prima facie case is typically made through the sworn declaration

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CLERY U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

1 of the IRS agent who issued the summons); accord, United States
2 v. Gilleran, 992 F.2d 232, 233 (9th cir. 1993).

3 Therefore, **IT IS ORDERED** that Respondent appear before this
4 District Court of the United States for the Central District of
5 California, at the following address on specified dated and
6 time, and show cause why the testimony and production of books,
7 papers, records, and other data demanded in the subject IRS
8 summons should not be compelled:

9 Date: Monday, July 2, 2012

10 Time: 1:30 p.m.

11 Courtroom: 9B

12 Address: United States Courthouse
312 N. Spring Street, Los Angeles, California, 90012

13 Roybal Federal Building and United States Courthouse
14 255 E. Temple Street, Los Angeles, California, 90012

15 Ronald Reagan Federal Building and U.S. Courthouse
411 West Fourth Street, Santa Ana, California, 92701

16 Brown Federal Building and United States Courthouse
17 3470 Twelfth Street, Riverside, California, 92501

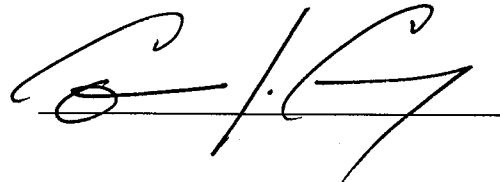
18 **IT IS FURTHER ORDERED** that copies of this Order, the Petition,
19 Memorandum of Points and Authorities, and accompanying
20 Declaration be served on promptly upon Respondent by personal
21 delivery, or by leaving copies of each of the foregoing
22 documents at Respondent's dwelling or usual place of abode with
23 someone of suitable age and discretion, or by certified mail.
24 Service may be made by any employee of the IRS or the United
25 States Attorney's Office.

26 **IT IS FURTHER ORDERED** that within ten (10) days after
27 service upon Respondent of the herein described documents,
28 Respondent shall file and serve a written response, supported by

1 appropriate sworn statements, as well as any desired motions.
2 If, prior to the return date of this Order, Respondent files a
3 response with the Court stating that Respondent does not oppose
4 the relief sought in the Petition, nor wish to make an
5 appearance, then the appearance of Respondent at any hearing
6 pursuant to this Order to Show Cause is excused, and Respondent
7 shall be deemed to have complied with the requirements of this
8 order.

9 **IT IS FURTHER ORDERED** that all motions and issues raised by
10 the pleadings will be considered on the return date of this
11 Order. Only those issues raised by motion or brought into
12 controversy by the responsive pleadings and supported by sworn
13 statements filed within ten (10) days after service of the
14 herein described documents will be considered by the Court. All
15 allegations in the Petition not contested by such responsive
16 pleadings or by sworn statements will be deemed admitted.

17
18
19 DATED: *May 8, 2012*



U.S. DISTRICT COURT JUDGE

22 Presented by,

23 ANDRÉ BIROTTE, JR.
24 United States Attorney
25 SANDRA R. BROWN
26 Assistant United States Attorney
27 Chief, Tax Division
28 DANIEL LAYTON
Assistant United States Attorney
Attorneys for United States of America