

FILED
FEB 23 2010
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

1 BENJAMIN B. WAGNER
United States Attorney
2
3 G. PATRICK JENNINGS
AARON M. BAILEY
Trial Attorney, Tax Division
4 U.S. Department of Justice
P.O. Box 683
5 Ben Franklin Station
Washington, D.C. 20044
6 Telephone: (202) 616-3164

7 Attorneys for the United States of America

8 IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA

10 Plaintiff,

11 v.

12 JOHN L. CABRAL, JANET M. CABRAL,
13 STATE OF CALIFORNIA
14 FRANCHISE TAX BOARD, STATE OF
CALIFORNIA EMPLOYMENT
15 DEVELOPMENT DEPARTMENT,
SAN JOAQUIN VALLEY HAY
16 GROWERS ASSOCIATION, C. L.
BRYANT, INC., DISCOVER BANK,
17 NATIONAL CREDIT ACCEPTANCE,
INC., COUNTY OF MERCED, DCSS

18 Defendants.

Civil No. 1:07-CV-1741 OWW DLB

ORDER TO VACATE PREMISES

19 WHEREFORE, the plaintiff, the United States of America, having requested and
20 been granted the foreclosure of its liens upon the real property commonly known as
21 3500 South Walnut Road Turlock, California, and 3509 Soderquist Road, Turlock,
22 California (collectively, the "subject property"), and the United States having requested
23 an Order of this Court that the defendants John Cabral and Janet Cabral (the
24 "taxpayers"), and all other parties acting in concert with, or on their behalf, or residing
25 thereon, vacate and depart from the subject property at on or before 12:00 o'clock noon
26 on March 15, 2010, and good cause having been found,
27
28

1 **IT IS HEREBY ORDERED, ADJUDGED, and DECREED** that the defendants
2 John Cabral and Janet Cabral and all other persons acting in concert with them, or on
3 their behalf, or residing at the subject property, shall, no later than 12:00 o'clock noon
4 on March 15, 2010 vacate and depart from the subject property, and

5 **IT IS FURTHER ORDERED** that the United States Marshal is authorized and
6 directed to enforce this Order at any time that he deems appropriate after 12:00 o'clock
7 noon on March 15, 2010 by (1) entering the subject property, and any and all structures
8 and vehicles located thereon, (2) evicting any unauthorized persons from all locations
9 on the property, including, but not limited to, the structures, vehicles, and grounds, and
10 (3) using force as necessary to accomplish this mission. When the United States
11 Marshal concludes that all unauthorized persons have vacated, or been evicted from
12 the property, he shall relinquish possession and custody of the subject property, and
13 any personal property found thereon, to an Internal Revenue Service Property Appraisal
14 and Liquidation Specialist, and

15 **IT IS FURTHER ORDERED** that, should John Cabral and Janet Cabral, or any
16 person acting on their behalf, or in concert with them, or residing thereon, either fail to
17 vacate and depart from the subject property by 12:00 o'clock noon on March 15, 2010
18 or attempt to enter onto the subject property after that date and time, that person shall
19 be subject to being found in contempt of this order of this court, which may subject that
20 person to a fine, incarceration, or both, and

21
22 ///

23 ///

24 ///

25

26


27

28

1
2 **IT IS FURTHER ORDERED** that the United States Marshal, within ten days of
3 the entry of this order, provide notice of it to John Cabral and Janet Cabral or any
4 person residing at the subject property, by hand delivery of a copy of this Order, or by
5 leaving a copy of this Order posted in a prominent location at each building at the
6 subject property. In the event the Order is posted, the United States will mail a copy of
7 the order to each property.

8 **IT IS SO ORDERED.**

9
10 Dated: 2-23-, 2009



Oliver W. Wanger
United States District Judge