

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARILYN COLLINS, Revenue)	1:09-cv-00956-OWW-SMS
Officer, et al.,)	
)	ORDER DENYING RESPONDENT'S MOTION
Petitioners,)	FOR ABATEMENT AND REQUEST (DOCS.
v.)	11, 12)
)	
ANDRE PAUL PROVOST, JR., et)	ORDER DIRECTING THE PARTIES TO
al.,)	FILE STATUS REPORTS NO LATER THAN
)	NOVEMBER 9, 2009
Respondent.)	
)	
)	

Petitioners are proceeding with a civil action in this Court. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rules 72-302 and 72-303. Petitioners are seeking to enforce an IRS summons issued to Respondent. The matter has been the subject of various continuances to permit the parties to settle the matters before the Court. The order to show cause is presently set for hearing on November 13, 2009.

I. Respondent's Motion for Abatement of the Proceedings and Request/Offer to Meet

On September 16, 2009, Respondent filed a motion to abate the proceedings in order to permit him to settle the matter administratively (Doc. 11).

1 On the same date, Respondent filed a document entitled
2 "Notice Request for Forgiveness Offer to Meet," in which he
3 stated that he had previously misunderstood his duties, and he
4 offered to meet at with the Petitioner to settle and close the
5 matter (Doc. 12). This document was docketed as a motion.

6 To the extent that Respondent's motions were a request to
7 continue the hearing previously set on the order to show cause in
8 order to permit voluntary compliance, the motions are denied as
9 moot because the previously set hearing has already been
10 postponed. To the extent that they represent a motion to stay
11 these proceedings in order to permit voluntary compliance,
12 Respondent's motion is denied as unwarranted at this time and as
13 unnecessary. Respondent has not demonstrated compliance with the
14 summons. Further, voluntary compliance and other efforts at
15 settlement may proceed in conjunction with these proceedings.

16 II. Directions to the Parties to File Status Reports

17 In order to permit the Court to be informed in a timely
18 manner of the status of the case and to understand what the
19 hearing on the order to show cause set for November 13 will
20 involve, each party IS DIRECTED to file no later than November 9,
21 2009, a brief report (no more than three pages) reflecting the
22 status of the parties' efforts to settle the matter and indicating
23 the relief or action sought by the parties at this point in time.

24 **IT IS SO ORDERED.**

25 **Dated: November 3, 2009**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

26
27
28