



1 On December 21, 2009, this Court issued an Order Adopting the Findings and  
2 Recommendations, wherein Respondent was ordered to appear before Revenue Officer  
3 Collins on January 13, 2010, at 10:00 a.m., to provide testimony and produce documents.  
4 (Doc. 22.)

5 On February 1, 2010, Respondent filed a document entitled “Notice of Declaratory  
6 Judgment and Record,” wherein she lists herself as “Secured Party Creditor, Counter  
7 Claimant, [and] Affiant.” Respondent seeks an order declaring that she is: (1) “the only  
8 party who has put any value into SHERI LYNNE PROVOST;” (2) “the only party  
9 entitled to any equity attached to SHERI LYNNE PROVOST;” (3) “entitled to any  
10 interpleaded funds related to SHERI LYNNE PROVOST;” and that (4) Petitioners “be  
11 barred from any collection of any alleged debts from Sheri Lynne Provost, relating to  
12 SHERI LYNNE PROVOST . . .” (Doc. 25 at 10-11.)

13 On February 9, 2010, Petitioners filed a notice of compliance indicating that  
14 Respondent has complied with the tax summons. As a result, Petitioners request the  
15 Court close the case and take the scheduling conference off calendar. (Doc. 27.)

16 That same date, Petitioners filed an opposition to Respondent’s Notice for  
17 Declaratory Judgment and Record. More particularly, Petitioners oppose Respondent’s  
18 notice on the basis it was not properly noticed, that Petitioners have requested the Court  
19 close the matter and therefore any relief requested by Respondent is moot, and that  
20 declaratory judgment is inappropriate to the instant proceeding. (Doc. 28.)

21 Respondent having complied with the IRS summons, Petitioners’ enforcement  
22 action is appropriately closed, and Respondent’s request for declaratory judgment is  
23 moot. Accordingly, it is HEREBY ORDERED that:

- 24 1. The scheduling conference set for March 16, 2010, at 9:30 a.m., before  
25 Magistrate Judge Gary S. Austin be **VACATED**;

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- 2. The notice filed by Respondent on February 1, 2010, be dismissed as **MOOT** in light of Respondent's compliance with the summons that was the subject of this action and Petitioners' request to close the case; and
- 3. The Clerk of the Court is **DIRECTED** to close this case in its entirety.

IT IS SO ORDERED.

**Dated:** February 10, 2010 /s/ Anthony W. Ishii  
CHIEF UNITED STATES DISTRICT JUDGE