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7
 8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

10
 11 UNITED STATES OF AMERICA,) Case No. 1:11-cv-01250-AWI-SMS
 12)
 Petitioner,)
 13)
 v.) **PETITIONER'S CONSENSUAL**
) **REQUEST TO CONTINUE SHOW-**
 14 NATHAN D. BACON,) **CAUSE HEARING**
)
 Respondent.) TAXPAYER: NATHAN D. BACON
 15)
) Date: Friday, September 23, 2011
 16) Time: 9:30 a.m.
) Ctrm: 7 (Honorable Sandra M. Snyder)
 17 _____)

18 Petitioner, the United States of America, litigating in aid of the tax determination
 19 investigation of IRS Revenue Officer Michael Nicholas, requests that Judge Snyder
 20 continue the Order to Show Cause Hearing Re: Tax Summons Enforcement currently
 21 scheduled for Friday, September 23, 2011, until Friday, October 28, 2011, at 9:30 a.m. in
 22 the Judge Snyder's courtroom. By this consensual continuance, the parties seek to give
 23 the Respondent, Nathan D. Bacon, who was served late, additional time to respond to the
 24 IRS summons in suit, possibly mootng this proceeding. A supporting declaration and a
 25 proposed Order are attached.

26 Dated: September 19, 2011

BENJAMIN B. WAGNER
 United States Attorney

27 By: /s/ YHimel
 28 YOSHINORI H. T. HIMEL
 Assistant United States Attorney

1 DECLARATION OF MARY ANN RACKLEY

2 MARY ANN RACKLEY declares under 28 U.S.C. 1746(2):

3 1. I am a Paralegal Specialist in the office of the United States Attorney for the
4 Eastern District of California, and am assigned paralegal duties in the office's tax
5 summons enforcement cases including above-captioned case.

6 2. I understand from the IRS that it was unable to serve respondent with the Order
7 to Show Cause and related papers until September 15, 2011. Taxpayer recently moved to
8 southern California, and it took a state agency several weeks to respond to the Revenue
9 Officer’s request for taxpayer’s current contact information. I am expecting proof of
10 personal service by the IRS to arrive shortly so that I can file it with the Court.

11 3. On September 19, 2011, I spoke with respondent by telephone. I checked that
12 he had been served with process, and understood that he intends to respond to this
13 proceeding by complying with the IRS summons. I asked whether he might need more
14 time to prepare his compliance, and offered him a five-week continuance of the show-
15 cause hearing, until October 28, 2011, to give him that time. He expressed his consent to
16 the continuance.

17 4. No previous continuance of this time has been requested or received.

18 I declare under penalty of perjury that the foregoing is true and correct. Executed
19 on September 20, 2011.

20 /s/ Mary Ann Rackley
21 MARY ANN RACKLEY

22 ORDER

23 It is hereby ORDERED that the Order to Show Cause Hearing is hereby
24 CONTINUED until **Friday, November 18, 2011, at 9:30 a.m. in Courtroom 7.**
25

26
27 Dated: September 20, 2011 /s/ Sandra M. Snyder
28 UNITED STATES MAGISTRATE JUDGE