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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DAVID PONTIUS,  
Petitioner,  
v.  
INTERNAL REVENUE SERVICE,  
Respondent.

Case No. 1:13-mc-00056-SAB  
**ORDER REQUIRING PETITIONER TO  
PROPERLY SERVE AND NOTICE  
HEARING WITHIN FOURTEEN DAYS**

On November 14, 2013, petitioner David Pontius filed a petition to quash I.R.S. summonses which were issued to third party Bank of America and JP Morgan Chase Bank under 26 U.S.C. 7609(b)(2). Petitioner also filed a certificate of service indicating that the petition was served on the Internal Revenue Service, Bank of America, and JP Morgan Chase Bank.

In order to bring an action against the United States, Plaintiff must comply with Rule 4 of the Federal Rules of Civil Procedure which requires service upon the United States Attorney for the district in which the action was brought and the Attorney General for the United States at Washington D.C. Fed. R. Civ. Proc. 4(i). Petitioner has not properly served this action.

Additionally, pursuant to Local Rule 230, petitioner must set this petition for hearing on the court's law and motion calendar, with notice to the above-listed persons. Plaintiff is advised that the Court hears law and motion on Wednesday mornings at 9:30 a.m., and the hearing must be set not less than twenty-eight days after service of the petition. Local Rule 230(b).

1           Accordingly, within fourteen days of the date of service of this action, Petitioner shall file  
2 a notice showing that he has properly served the United States in this action and shall set the  
3 petition for hearing on the court's law and motion calendar in compliance with Local Rule 230.  
4 Failure to file a notice in compliance with this order will result in this action being dismissed for  
5 failure to obey a court order.

6  
7 IT IS SO ORDERED.

8       Dated: November 19, 2013

  
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UNITED STATES MAGISTRATE JUDGE