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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID PONTIUS,

 Petitioner,

 v.

INTERNAL REVENUE SERVICE, et al.,

 Respondents.

Case No. 1:13-mc-00056-SAB

ORDER GRANTING PETITIONER’S
MOTION TO FILE AMENDED PETITION
TO QUASH SUMMONS

(ECF Nos. 5)

Petitioner David Pontius filed a petition to quash an Internal Revenue Service (“IRS”) summons on November 14, 2013. (ECF No. 1.) On November 19, 2013, the Court issued an order requiring Plaintiff to properly serve and notice a hearing on the petition to quash. (ECF No. 2.) On December 6, 2013, Plaintiff refiled the petition to quash and notice of hearing. (ECF Nos. 3, 4.) On December 17, 2013, Plaintiff filed a motion to amend his petition to quash and an amended petition was lodged with the Court. (ECF Nos. 5, 6.) On December 18, 2013, Respondent filed a motion to continue the hearing on the petition to quash. (ECF No. 7.) The motion to continue the hearing was granted and the hearing on the petition to quash is set for February 19, 2014 at 10:00 a.m. before the undersigned. (ECF No. 8.)

Plaintiff seeks leave to amend his petition to quash to more fully address the legal provisions of the controlling statutes and address the jurisdiction of the district court and appropriate process necessary for jurisdiction to exist. (ECF No. 5.) A pleading may be

1 amended once as a matter of course within twenty one days of serving it. Fed. R. Civ. P.
2 15(a)(1)(A). Plaintiff's petition to quash was served on December 2, 2013, and the motion to
3 amend was filed within twenty one days on December 17, 2013. The Court has provided
4 Respondent with an appropriate time period to file an opposition to the motion to amend and no
5 opposition has been filed. Accordingly, the motion to amend the petition shall be granted.

6 Based on the foregoing, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's motion to amend the petition to quash is GRANTED; and
- 8 2. The Clerk of the Court is DIRECTED to file the amended petition lodged on
9 December 17, 2013.

10 IT IS SO ORDERED.

11 Dated: January 6, 2014

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14 UNITED STATES MAGISTRATE JUDGE