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IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Petitioner.

1:14-cv-01335-AWI-SKO

ORDER AFTER HEARING RE: CIVIL CONTEMPT

v.

JOSE OCHOA,

Respondent.

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An order to show cause hearing was held on November 9, 2015, to determine whether Respondent Jose Ochoa should not be held in civil contempt of this Court for his failure to comply with the Order filed November 17, 2014 (Doc. 9), directing Respondent to comply with the IRS Summons issued on October 31, 2013. At the hearing, Petitioner's counsel advised the Court that Respondent was on the road to compliance and requested a status conference be set in 45 days.

A status conference was held on January 11, 2016. Present at the hearing were Assistant U.S. Attorney Bobbie J. Montoya on behalf of Petitioner, along with IRS Revenue Officer Michael J. Papasergia, and Respondent Jose Ochoa (*Pro Se*), along with a Spanish interpreter. Counsel for Petitioner reported to the Court that Respondent had failed to follow through as he had indicated he would at the November 9, 2015 hearing. The Court instructed the parties to go out into the hall and try to come to an agreement. Upon their return, Respondent advised the Court of his intent to comply with the tax summons enforcement order; counsel for Petitioner requested that

Respondent be given additional time to comply but further requested that he be fined \$250 per day until compliance is met.

After thorough consideration of this matter, IT IS HEREBY ORDERED that:

- 1. On or before close of business on January 20, 2016, Respondent Jose Ochoa shall comply with the Order filed November 17, 2014 (Doc. 9), directing Respondent to comply with the IRS Summons issued on October 31, 2013.
- 2. If Respondent fails to comply by the January 20, 2016 deadline set forth above, then starting on January 21, 2016, Respondent shall be fined the sum of \$250 per day until compliance is achieved. Any fine that accrues shall be paid to the Clerk of the Court, Eastern District of California.
- 3. The Court reserves until later a decision on any remedial penalties against Respondent to compensate the IRS and the U.S. Attorney's Office for costs in bringing this contempt procedure, or whether any other remedy for civil contempt is warranted, including additional fines and/or arrest and coercive confinement.
- 4. A further status conference is set for Monday, February 8, 2016, at 1:30 p.m., in Courtroom 2, before District Judge Anthony W. Ishii. The hearing can be vacated if Respondent is in compliance and the issue is resolved, in which case counsel for Petitioner shall file a proposed order vacating the hearing.

THE CLERK SHALL SERVE this and further orders by mail to Jose Ochoa,1536 W. Laguna Avenue, Riverdale, CA 93656.

IT IS SO ORDERED.

Dated: <u>January 14, 2016</u>

SENIOR DISTRICT JUDGE