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

MICHAEL SWEENEY,

Movant,

v.

INSPECTOR GENERAL OF THE
UNITED STATES DEPARTMENT OF
AGRICULTURE,

Respondent.

14-mc-54 GSA

**ORDER REQUIRING THAT THE
GOVERNMENT FILE A RESPONSE NO
LATER THAN OCTOBER 10, 2014**

On August 15, 2014, the movant, Michael Sweeney (“the movant”), filed a Motion for an Order Pursuant to Customer Challenge Provisions of the Right to Financial Privacy Act of 1978 (“RFPA”), 12 U.S.C. § 3401 *et seq.* (Docs. 2 and 3). Pursuant to 12 U.S.C. 3410 (b) this Court orders the Respondent, the Inspector General of the United States Department of Agriculture (“the government”) to file a sworn response to the movant’s motion. This response shall be filed no later than **October 10, 2014**, and shall include a declaration or other proof identifying when the Subpoena Duces Tecum was mailed or served on the movant so the Court may assess the timeliness of the movant’s filing. 12 U.S.C. § 3410(a) (“a customer of a financial institution “may file a motion to quash an administrative summons or judicial subp[o]ena, or an application

1 to enjoin a Government authority from obtaining financial records pursuant to a formal written
2 request” within “*ten days of service or within fourteen days of mailing*” of said summons or
3 subpoena).

4 The government has not yet appeared in this action. Accordingly, the movant shall serve
5 a file-stamped copy of his motion and the sworn statement (Docs. 2 and 3) *and* a copy of this
6 order by delivering or mailing *by registered mail or certified mail* to :

8 Christy A. Slamowitz
9 Counsel to the Inspector General
10 U.S. Department of Agriculture
11 Jamie L. Whitten Building
12 1400 Independence Avenue SW
13 STOP 2308, Room 441-E
14 Washington, D.C. 20250-2308

15 The movant shall file a proof of service no later than **September 12, 2014**. The proof of
16 service shall contain a statement under penalty of perjury identifying the date the above
17 documents were served, the method of service, as well as the person served. The movant is
18 advised that “a consumer’s ability to challenge a subpoena is cabined by strict procedural
19 requirements.” *S.E.C. v. Jerry T. O’Brein, Inc.*, 467 U.S. 735, 745 (1984). **Failure to comply
20 with this order may result in dismissal of this action.**

21 The Clerk of the Court is also directed to serve the government with a copy of this order at
22 the above address via first-class mail.

23 IT IS SO ORDERED.

24 Dated: September 5, 2014

/s/ Gary S. Austin
25 UNITED STATES MAGISTRATE JUDGE