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7 Attorneys for Petitioner United States of America

8 **IN THE UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10
11 UNITED STATES OF AMERICA,
12
13 Petitioner,
14 v.
15 ARMANDO RIOS, MARIO DISALVO,
President, D & R MARKETING, INC.,
16
17 Respondents.

1:15-cv-00417-LJO-GSA

**PETITIONER'S NOTICE OF
COMPLIANCE BY RESPONDENT MARIO
DISALVO, REQUEST TO VACATE
HEARING; ORDER**

Taxpayer: ARMANDO RIOS

**Date: June 12, 2015
Time: 9:30 a.m.
Ctrm: 10. 6th Floor**

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20 TO THIS HONORABLE COURT:

21 PLEASE TAKE NOTICE that Respondent Mario DiSalvo, President of D&R Marketing,
22 Inc., has sufficiently complied with the summons at issue in the above-captioned Internal
23 Revenue Service summons enforcement proceeding. Therefore, Petitioner United States of
24 America requests that the June 12, 2015, hearing on the order to show cause be vacated.

25 Additionally, Petitioner United States of America will be filing a request to continue the
26 Order to Show Hearing as to Respondent Armando Rios. Petitioner recently learned that
27 Respondent Rios is currently incarcerated and will not be available to attend an Order to Show
28 Cause hearing in this matter until early November 2015. Petitioner will prepare and submit a

1 separate order for a new show cause hearing date as to Respondent Rios, therefore, the file
2 should remain open as to Respondent Rios.

3 Dated: June 9, 2015

Respectfully submitted,

4 BENJAMIN B. WAGNER
5 United States Attorney

6 By: /s/ Bobbie J. Montoya
7 BOBBIE J. MONTOYA
8 Assistant U.S. Attorney
9 Attorneys for Petitioner
10 United States of America

11 **ORDER**

12 Upon Petitioner's notice of compliance as to Respondent Mario DiSalvo, President of
13 D&R Marketing, Inc., and request to vacate the hearing date, the Order to Show Cause hearing
14 currently set for June 12, 2015 is VACATED. The case shall remain open as to Respondent
15 Armando Rios. Petitioner shall file a proposed amended order to show cause as to Respondent
16 Rios no later than **July 31, 2015**.

17 IT IS SO ORDERED.

18 Dated: **June 9, 2015**

19 /s/ Gary S. Austin
20 UNITED STATES MAGISTRATE JUDGE