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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA and  
LESLIE FOUCHE-MUNOZ, Revenue  
Officer, Internal Revenue Service,

Petitioners,

No. 2:10-mc-00081 JAM KJN

v.

YOUNES USUFY,

ORDER AND  
FINDINGS AND RECOMMENDATIONS

Respondent.

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This matter was set for hearing before the undersigned United States Magistrate Judge for December 2, 2010. On November 30, 2010, Yoshinori Himel, Assistant United States Attorney, filed a notice that respondent sufficiently complied with the tax summons at issue. (Dkt. No. 10.) Petitioners further requested that the court take the related civil order to show cause off of its December 2, 2010 calendar.

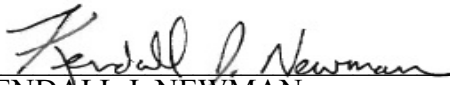
Accordingly, it is HEREBY ORDERED that the hearing on the petition to enforce the tax summons previously set for December 2, 2010 at 10:00 a.m. shall be VACATED.

Further, it is HEREBY RECOMMENDED that this action be dismissed without prejudice as moot and that the Clerk of Court be directed to close this case.

These findings and recommendations are submitted to the United States District

1 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen  
2 days after being served with these findings and recommendations, any party may file written  
3 objections with the court and serve a copy on all parties. Id.; see also Local Rule 304(b). Such a  
4 document should be captioned “Objections to Magistrate Judge’s Findings and  
5 Recommendations.” Any response to the objections shall be filed with the court and served on  
6 all parties within fourteen days after service of the objections. Local Rule 304(d). Failure to file  
7 objections within the specified time may waive the right to appeal the District Court’s order.  
8 Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57  
9 (9th Cir. 1991).

10 DATED: December 1, 2010

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14 KENDALL J. NEWMAN  
15 UNITED STATES MAGISTRATE JUDGE  
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