

1 BENJAMIN B. WAGNER
 United States Attorney
 2 YOSHINORI H. T. HIMEL #66194
 Assistant United States Attorney
 3 Eastern District of California
 501 I Street, Suite 10-100
 4 Sacramento, California 95814-2322
 Telephone: (916) 554-2760

5 Attorneys for Petitioners

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

10 UNITED STATES OF AMERICA,
 11 LESLIE FOUCHE MUNOZ, Revenue
 Officer, Internal Revenue Service,

12 Petitioners,

13 v.

14 YOUNES USUFY,

15 Respondent.

Case No. 2:10-mc-00081-JAM-KJN

**PETITIONERS' CONSENSUAL
REQUEST FOR CONTINUANCE**

Taxpayer: YOUNES USUFY

Date: Thursday, December 2, 2010
 Time: 10:00 a.m.
 Ctrm: #25 (8th Floor, Honorable
 Kendall J. Newman)

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 18 Petitioners, the UNITED STATES OF AMERICA and Revenue Officer LESLIE
 19 FOUCHE MUNOZ, hereby request that Judge Newman continue the Show Cause
 20 Hearing Re: Tax Summons Enforcement currently scheduled for Thursday, November 4,
 21 2010, to Thursday, December 2, 2010, at 10:00 a.m. The continuance is requested
 22 because counsel for petitioners has a conflicting, preexisting family medical obligation
 23 that makes him unavailable for most of the month of November. As the within Counsel
 24 Declaration shows, respondent Usufy has consented to this continuance but, despite
 25 promises, has not signed a continuance stipulation. Except for the *sua sponte* continuance
 26 to November 4, 2010, this is the first time that a continuance of this hearing has been
 27 requested or granted.

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1 Dated: October 29, 2010

BENJAMIN B. WAGNER
United States Attorney

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3 By: /s/ Y Himel
YOSHINORI H. T. HIMEL
Assistant U. S. Attorney

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5 COUNSEL DECLARATION

6 YOSHINORI H. T. HIMEL, under 28 U.S.C. § 1746(2), declares as follows:

- 7 1. I am an Assistant United States Attorney assigned the captioned case.
8 2. For months, my spouse has had surgery scheduled for November 1, 2010.

9 During her convalescence, I will be assisting her at home. I expect to be at home on leave
10 to help her for the week of November 1, most of the remainder of November, and
11 possibly afterward.

12 3. On August 11, 2010, Mary Ann Rackley of this office, who acts under my
13 supervision, ascertained from Judge Newman's information on the Court's website that
14 October 28, 2010, was an open hearing date for the summons enforcement show-cause
15 hearing in this case. That hearing accordingly was set for that date by Order to Show
16 Cause submitted August 17, 2010 and approved August 23, 2010.

17 4. By minute order filed August 25, 2010, the Court *sua sponte* reset the hearing
18 for November 4, 2010, which is during my spouse's first week of convalescence.

19 5. Because the *sua sponte* continuance caused a need for a further continuance, I
20 contacted respondent by telephone on September 14, 2010, and asked for his consent to a
21 further continuance to December 2, 2010. In that conversation, I understood him to agree
22 to the requested continuance.

23 6. In accordance with respondent's agreement, a stipulation was prepared and
24 mailed to him on September 21, 2010. This mailing included a self-addressed, pre-paid
25 envelope for the respondent to return the signed stipulation. A copy of the letter and
26 stipulation is attached hereto as Exhibit A.

27 7. The signed stipulation was not received, so on October 5, 2010, Ms. Rackley
28 spoke with respondent regarding the missing signed stipulation. Respondent confirmed to

1 Ms. Rackley that he agreed to the continuance, and he promised her that the signed
2 stipulation would be placed in the mail within a day.

3 8. As of this writing, the stipulation has not been received.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed
5 on October 29, 2010.

6 /s/ Y Himel
7 YOSHINORI H. T. HIMEL

8 ORDER

9 IT IS HEREBY ORDERED that the Order to Show Cause Hearing is hereby
10 CONTINUED to Thursday, December 2, 2010, at 10:00 a.m. in Courtroom 25.
11 Respondent is to appear on this new date. The Clerk shall serve this order by mail to
12 Younes Usufy at: 2345 Northrop Avenue, Apt. 205B, Sacramento, California, 95825 **and**
13 at 2496 Pheasant Hollow Drive, West Sacramento, California, 95691. Respondent is
14 reminded that he is still obligated to comply with the provisions of the court's order to
15 show cause dated August 23, 2010. (See Dkt. No. 3., setting forth, among other things,
16 respondent's obligation to oppose or stipulate to enforcement of the summons at least
17 fourteen days prior to the December 2, 2010 hearing date).

18 DATED: November 1, 2010

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20 Kendall J. Newman
21 KENDALL J. NEWMAN
22 UNITED STATES MAGISTRATE JUDGE
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