

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

United States of America,

NO. C 11-04416 JW

Petitioner,

v.

Christopher J. Augusto,

Respondent.

**ORDER COMPELLING RESPONDENT  
TO APPEAR AT THE IRS OFFICE FOR  
EXAMINATION; VACATING ORDER TO  
SHOW CAUSE HEARING AND CASE  
MANAGEMENT CONFERENCE;  
SETTING STATUS HEARING**

This case is scheduled for both an Order to Show Cause hearing and a Case Management Conference on December 19, 2011. (See Docket Item No. 8.) In its Order setting the Order to Show Cause hearing, the Court ordered Respondent to appear to show cause, if any, why he “should not be compelled to appear and provide documents and testimony as requires by the summonses served upon Respondent as alleged in the Petition.” (Id. at 1.) The Order provided Respondent with a timeline for responding to the Petition by the government. (Id.) To date, no response has been received by the Court.

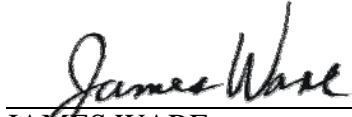
On December 13, 2011, the government filed a Case Management Statement. (Docket Item No. 10.) In its Statement, the government contends that “around October 19, 2011,” Respondent “agreed to contact the IRS and comply” with its summons, though Respondent “has not contacted the IRS [or] complied with the summons” since that time. (Id. at 1-2.) Further, the government contends that at the Order to Show Cause hearing it will “ask that the summons be enforced and that Respondent be required to comply by January 31, 2012.” (Id. at 2.) Alternatively, the government contends that if “no hearing is held” on the Order to Show Cause, then the government will file a

1 proposed order requiring Respondent to comply with the summons by January 31, 2012, and  
2 providing that this case “will be dismissed unless the government notifies the Court by January 31,  
3 2012, that Respondent has not complied and further action is needed.” (Id.)

4 In light of the government’s contentions in its Case Management Statement, the Court finds  
5 good cause to VACATE both the Case Management Conference and the Order to Show Cause  
6 hearing and ORDERS as follows:

- 7 (1) On or before **January 31, 2012**, Respondent shall appear at the designed IRS office  
8 and provide documents and testimony as required by the summonses served upon  
9 Respondent as alleged in the Petition.
- 10 (2) The Court sets **February 13, 2012 at 9 a.m.** as a Status Hearing re. IRS Petition. On  
11 or before **February 3, 2012**, the government shall either file a Status Report on  
12 Respondent’s compliance or a dismissal of the action if Respondent has sufficiently  
13 complied with the Petition.
- 14 (3) The government shall serve this Order on Respondent on or before **December 20,**  
15 **2011.** The government shall clearly set forth the designated location at which  
16 Respondent is to appear for examination.

17  
18  
19 Dated: December 14, 2011

  
\_\_\_\_\_  
JAMES WARE  
United States District Chief Judge

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

Blake D. Stamm blake.d.stamm2@usdoj.gov  
Thomas M. Newman thomas.newman2@usdoj.gov

**Dated: December 14, 2011**

**Richard W. Wieking, Clerk**

**By: /s/ JW Chambers**

**Susan Imbriani**  
**Courtroom Deputy**