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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CURTIS R. HARPER,
Movant,

No. C-12-80167 MISC EMC

v.

**ORDER DIRECTING MOVANT TO
SERVE MOTION ON THE
GOVERNMENT**

DEPARTMENT OF DEFENSE,
Respondent.

_____ /

United States District Court
For the Northern District of California

The Court is in receipt of movant Curtis Harper's "Motion for Order Pursuant to Customer Challenge Provisions of the Right to Financial Privacy Act of 1978," filed July 16, 2012. Pursuant to 12 U.S.C. § 3410(a), a movant is required to serve his motion on the Government "by delivering or mailing by registered or certified mail a copy of the papers to the person, office, or department specified in the notice which the customer has received pursuant to this chapter." The second page of the Department of the Army's Notice to Customer, which Mr. Harper attached to his motion, instructs him to serve his motion and accompanying papers to: Inspector General of the Department of Defense, c/o DOD IG Subpoena Program Manager, 4800 Mark Center Drive, Suite 11H25, West Tower, Alexandria, VA 22350-1500.


Mr. Harper has not filed a certificate of service indicating that he served the Government at the address above as required by § 3410(a). Thus, the Court must assume he has not yet done so. The Court cannot order the Government to respond to Plaintiff's motion until he has satisfied this requirement. *See* § 3410(b) ("If the court finds that the customer has complied with subsection (a) of this section, it shall order the Government authority to file a sworn response."). Accordingly, Mr.

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Harper is directed to serve his motion and accompanying papers on the Government as required above, and to file a certificate of service with the Court, no later than **Monday, July 23, 2012**.

IT IS SO ORDERED.

Dated: July 19, 2012


EDWARD M. CHEN
United States District Judge