

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CV 13-5659 CRB
)	
Petitioner,)	ORDER TO SHOW CAUSE WHY INTERNAL
)	REVENUE SERVICE SUMMONS SHOULD
v.)	<u>NOT BE ENFORCED</u>
)	
JOVANY G. ORNELAS,)	
)	
Respondent.)	
)	
)	

Upon consideration of the United States' Petition to Enforce Internal Revenue Summons and the Declaration in support thereof, the Court finds that the United States has established a prima facie case under United States v. Powell, 379 U.S. 48 (1964) for enforcement of the Internal Revenue Service summons at issue.

Accordingly, IT IS HEREBY ORDERED that Respondent JOVANY G. ORNELAS appear before the undersigned United States District Judge, on the 24th day of January, 2014, at 10:00 a.m., in Courtroom No. 6, 17th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California, and then and there show cause, if any, why Respondent should not be compelled to appear and provide documents and testimony as required by the summons.

//
//

1 It is further ORDERED that:

2 1. A copy of this Order, together with the Petition to Enforce Internal Revenue Service Summons
3 and supporting papers, shall be served upon Respondent in accordance with Rule 4 of the Federal Rules
4 of Civil Procedure at least thirty-five days before the date set for the show-cause hearing;

5 2. Since the Petition to Enforce Internal Revenue Summons and supporting papers make a prima
6 facie showing that the IRS investigation is being conducted for a legitimate purpose, that the inquiry
7 may be relevant to that purpose, that the information sought is not already within the Commissioner's
8 possession, and that the administrative steps required by the Internal Revenue Code have been followed,
9 see *United States v. Powell*, 379 U.S. 48 (1964), the burden has shifted to Respondent to oppose
10 enforcement of the summons;

11 3. If Respondent has any defense to present or opposition to the Petition, such defense or opposition
12 shall be made in writing, filed with the Clerk and served on counsel for the United States, at least 21
13 days prior to the date set for the show-cause hearing. The United States may file a reply memorandum
14 to any opposition at least 14 days prior to the date set for the show-cause hearing.

15 4. At the show-cause hearing, the Court will consider all issues raised by Respondent. Only those
16 issues brought into controversy by the responsive pleadings and supported by an affidavit or declaration
17 will be considered. Any uncontested allegation in the Petition will be considered admitted.

18 ORDERED this 18th day of December, 2013.

