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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 OAKLAND DIVISION

11 UNITED STATES DEPARTMENT OF )  
 12 JUSTICE, EXECUTIVE OFFICE FOR )  
 IMMIGRATION REVIEW, )

No. 09-2981-SBA

13 Petitioner, )

**ORDER ENFORCING IMMIGRATION )  
 JUDGE SUBPOENA )**

14 v. )

15 NI CHI NGUYEN, )  
 16 )

17 Respondent. )  
 18 \_\_\_\_\_ )

19 This matter came before the Court for hearing on March 9, 2010, at 1:00 p.m., on the Order to  
 20 Show Cause heretofore issued by this Court. The Respondent was served with the Order to Show  
 21 Cause (“OSC”), as well as the Petition to Enforce a Subpoena, the Memorandum in Support of the  
 22 Petition, the Declaration of Edward A. Olsen, and the Petitioner’s Request for Issuance of an Order  
 23 to Show Cause, on February 6, 2010. The Respondent has not filed a written response to the OSC  
 24 and has failed to appear before this Court in response to the OSC.

25 The Court having considered the record herein, including the Petition To Enforce a Subpoena  
 26 Issued by a United States Immigration Judge, the Memorandum in Support of the Petition, the  
 27 Declaration of Edward A. Olsen, the Petitioner’s Request for Issuance of an Order to Show Cause,  
 28 and the Status Report Regarding Service of the OSC, as well as the statement of the Petitioner, it is  
 hereby:

1       **ORDERED** that respondent, Ni Chi Nguyen, is ordered to appear at the removal hearing of Lu  
2 Thi Pham (A57-960-802) in Immigration Court at 120 Montgomery Street, 9<sup>th</sup> Floor, Courtroom 16,  
3 San Francisco, California, 94104, on April 6, 2010, at 1:00 p.m. At the removal proceeding, the  
4 Immigration Judge shall advise the Respondent of his privilege against self-incrimination under the  
5 Fifth Amendment.


6       Failure to comply with the instant order may be grounds for a finding of contempt. See, e.g.,  
7 United States v. Ayres, 166 F.3d 991, 994-96 (9th Cir. 1999) (affirming finding of contempt, where  
8 party failed to comply with court order directing him to provide testimony and produce records to  
9 IRS).

10       **FURTHER ORDERED** that the Clerk of Court shall close this case. Petitioner may move to  
11 re-open the case upon a showing that a further hearing or action is necessary.

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**IT IS SO ORDERED.**

Dated:3/16/10

  
SAUNDRA B. ARMSTRONG  
United States District Judge