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

United States of America,

 Petitioner,
v.
Dennis Allison,

 Respondent.

NO. C 08-03736 JW

**ORDER GRANTING PETITIONER'S
APPLICATION FOR ADMINISTRATIVE
RELIEF; ORDERING UNITED STATES
MARSHALS TO EXECUTE ARREST
WARRANT**

Presently before the Court is Petitioner's Application for Administrative Relief seeking an order directing the U.S. Marshals to execute a warrant for the arrest of Respondent issued on December 22, 2008 ("December 2008 Warrant").¹

On October 5, 2007, Petitioner served a summons on Respondent as part of an Internal Revenue Service ("IRS") investigation into Respondent's tax liabilities.² On August 8, 2008, after Respondent failed to respond to the summons, the Court ordered Respondent to appear before the Court.³ On December 22, 2008, the Court issued the warrant due to Respondent's failure to comply with the Show Cause Order. (See Docket Item No. 15.) To date, the U.S. Marshals have not

¹ (Application for Administrative Relief at 1, hereafter, "Application," Docket Item No. 16.) On December 22, 2008, the Court issued an arrest warrant against Respondent for failing to appear before the Court as ordered. (See Docket Item No. 15.)

² (Verified Petition to Enforce Internal Revenue Service Summons ¶¶ 4, 9, 10, hereafter, "Petition," Docket Item No. 1.)

³ (Order to Show Cause Re Enforcement of Internal Revenue Service Summons ¶ 1, Docket Item No. 4.)

1 executed the December 2008 Warrant, and Petitioner has been unsuccessful in finding another
2 method for properly executing the it. (Application at 1-2.) Petitioner requests that the Court order
3 the U.S. Marshals to act on and execute the December 2008 Warrant that has been outstanding for
4 over 18 months. Petitioner's investigation is unable to proceed without the information they believe
5 Respondent possesses. (Petition ¶ 4.) Upon review of Petitioner's Application, the Court finds good
6 cause to grant Petitioner's request and directs the U.S. Marshals to immediately act on and execute
7 the December 2008 Warrant.

8 Accordingly, the U.S. Marshal for the Northern District of California shall immediately
9 execute the December 2008 Warrant for the arrest of Respondent.

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Dated: July 9, 2010



JAMES WARE
United States District Judge

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

2 Thomas M. Newman thomas.newman@usdoj.gov

3

4 **Dated: July 9, 2010**

Richard W. Wieking, Clerk

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By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy

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