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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-FILED - 2/2/09

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

RS

UNITED STATES OF AMERICA and
KRISTIN FEDDERSEN, Revenue Agent,

Petitioners,

v.

JAVIER ARELLANO RUBIO,

Respondent.

CV 08

5153

-RMW

~~Proposed~~ *AMENDED*
ORDER TO SHOW CAUSE RE
ENFORCEMENT OF INTERNAL
REVENUE SERVICE SUMMONS

Good cause having been shown by the petitioner upon its petition filed in the above-entitled proceeding on November 12, 2008, it is hereby:

ORDERED that respondent Javier Arellano Rubio appear before this Court on the March 20, 2009, at 9:00 a.m. day of XXXX, XXXXX, in Courtroom No. 6, 4th Floor, United States District Court, 280 South 1st Street, San Jose, 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 heretofore served upon respondent as alleged and set forth in particular in said petition; and it is further

ORDERED that a copy of this Order to Show Cause, together with a copy of the aforesaid petition, be served upon said respondent in accordance with Rule 4 of the Federal Rules of Civil Procedure at least thirty-five (35) days before the return date of this Order above

1 specified; and it is further

2 **ORDERED** that within twenty-one (21) days before the return date of this Order,
3 respondent may file and serve a written response to the petition, supported by appropriate
4 affidavit(s) or declaration(s) in conformance with 28 U.S.C. § 1746, as well as any motion
5 respondent desires to make, that the petitioner may file and serve a written reply to such
6 response, if any, within fourteen (14) days before the return date of this Order; that all motions
7 and issues raised by the pleadings will be considered on the return date of this Order, and only
8 those issues raised by motion or brought into controversy by the responsive pleadings and
9 supported by affidavit(s) or declaration(s) will be considered at the return of this Order, and any
10 uncontested allegation in the petition will be considered admitted.

11 **ORDERED** this 2 day of February, 2009, ~~2008~~, at San Jose,
12 California.

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UNITED STATES DISTRICT JUDGE