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E-FILED - 3/24/09

7 Attorneys for the United States of America

8 **UNITED STATES DISTRICT COURT FOR THE**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN JOSE DIVISION**

11 **UNITED STATES OF AMERICA and**)
 12 **KRISTIN FEDDERSEN, Revenue Agent,**)

13 **Petitioners,**)

14 v.)

15 **JAVIER ARELLANO RUBIO**)

16 **Respondent.**)

No. C-08-05153-RMW

APPLICATION AND [XXXXXXXXXXXXXX]
ORDER OF DISMISSAL

17 Petitioners, United States of America and Kristin Feddersen, Revenue Agent, hereby
 18 advise the Court that respondent, Javier Arellano Rubio, has complied with the Internal Revenue
 19 Service summons and request that this action be dismissed pursuant to Rule 41(a)(2) of the
 20 Federal Rules of Civil Procedure.

21 Respectfully submitted,

22 **JOSEPH RUSSONIELLO**
 23 **United States Attorney**

24 Dated: March 23, 2009:

25 /s/ Cynthia Stier
 26 **CYNTHIA STIER**
 Assistant U.S. Attorney
 Attorneys for the United States of America

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ORDER

Upon the request of the petitioners and pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, this action is hereby dismissed.

Dated: 3/24/09



THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE