

United States District Court

For the Northern District of California

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9IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

10 IMPRESSIVE FOODS, INC., et. al., NO. 5:11-cv-80140 EJD

11 Plaintiff(s), **ORDER TO SHOW CAUSE**

v.

12 UNITED STATES INTERNAL REVENUE
13 SERVICE, et. al.,14 Defendant(s).
15 _____ /

16 On June 17, 2011, under 26 U.S.C. § 7609(b)(2), Petitioners filed a Petition to Quash
17 Internal Revenue Service (“IRS”) summons issued to Wells Fargo Bank. Petitioners effectuated
18 service on IRS Revenue Officer Naomi Sanchez. No other parties have been served with the
19 Petition to Quash Summons.

20 To perfect service on the United States, Rule 4(i) of the Federal Rules of Civil Procedure
21 requires that the petitioner deliver a copy of the summons and complaint by registered or certified
22 mail to: (1) the United States Attorney for the district in which the action is brought and (2) to the
23 Attorney General of the United States in Washington D.C. Fed. R. Civ. P. 4(i). Petitioners have
24 yet to serve either the United States Attorney or the Attorney General with the Petition to Quash
25 Summons filed on June 17, 2011.

26 Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:

27 If service of the summons and complaint is not made upon a defendant
28 within 120 days after the filing of the complaint, the court, upon
motion or on its own initiative after notice to the plaintiff, shall
dismiss the action without prejudice as to that defendant or direct that

1 service be effected within a specified time; provided that if the
2 plaintiff shows good cause for the failure, the court shall extend the
3 time for
4 service for an appropriate period.

5 On October 15, 2011, 120 days elapsed since Petitioners filed the Petition to Quash. Thus,
6 Petitioners shall, **no later than November 7, 2011**, show cause in writing why they have failed to
7 file documents to show proof of service of the Summons and Complaint on the United States to
8 comply with Rule 4(i) of the Federal Rules of Civil Procedure. No hearing will be held on the order
9 to show cause unless otherwise ordered by the Court.

10 Petitioners are notified that this Court will dismiss this action if Petitioners fail to
11 demonstrate good cause as directed above.

12 **IT IS SO ORDERED.**

13 Dated: October 25, 2011


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EDWARD J. DAVILA
United States District Judge