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

11)	NO. CV 12-2302-LHK
12	UNITED STATES OF AMERICA and)	
13	SCOTT J. McKAGAN, Revenue Officer,)	ADMINISTRATIVE MOTION TO
14	Petitioners,)	RESCHEDULE HEARING ON ORDER TO
15	v.)	SHOW CAUSE AND [PROPOSED]
16	PHUC LE,)	<u>ORDER</u>
17	Respondent.)	Date: August 16, 2012
18)	Time: 1:30 p.m.
)	Place: San Jose Federal Courthouse
)	Courtroom 8, 4 th Floor

19 COMES NOW the United States of America and Scott McKagan, by and through its
 20 undersigned counsel, pursuant to Rule 7-11 of the Civil Local Rules for the Northern District of
 21 California, and moves this Court to reschedule the hearing on the Order to Show Cause,
 22 currently scheduled for July 12, 2012, at 1:30 p.m., to August 16, 2012, at 1:30 p.m., in order to
 23 enable Petitioners to timely serve Respondent, Phuc Lee.

24 Respectfully submitted,

25 MELINDA HAAG
 United States Attorney

26
 27 /s/ Cynthia Stier
 CYNTHIA STIER
 Assistant United States Attorney
 Tax Division

1 **ORDER**


2 IT IS HEREBY ORDERED that the hearing on the Order to Show Cause, previously
3 scheduled for July 12, 2012, is RESCHEDULED TO AUGUST ⁹~~16~~, 2012, at 1:30 p.m., in
4 Courtroom No. 8, 4th Floor, United States District Court, 280 South 1st Street, San Jose,
5 California.

6 **IT IS FURTHER ORDERED** that respondent PHUC LE appear before this Court on
7 the ⁹~~16~~th day of August, 2012, at 1:30 p.m., in Courtroom No. 8, 4th Floor, United States District
8 Court, 280 South 1st Street, San Jose, California, and then and there show cause, if any, why
9 respondent should not be compelled to appear and provide documents and testimony as required
10 by the summons heretofore served upon respondent as alleged and set forth in particular in said
11 petition; and it is further

12 **ORDERED** that a copy of this Order to Show Cause, together with a copy of the
13 aforesaid petition, be served upon said respondent in accordance with Rule 4 of the Federal
14 Rules of Civil Procedure at least thirty-five (35) days before the return date of this Order above
15 specified; and it is further

16 **ORDERED** that within twenty-one (21) days before the return date of this Order,
17 respondents may file and serve a written response to the petition, supported by appropriate
18 affidavit(s) or declaration(s) in conformance with 28 U.S.C. § 1746, as well as any motion
19 respondent desire to make, that the petitioner may file and serve a written reply to such response,
20 if any, within fourteen (14) days before the return date of this Order; that all motions and issues
21 raised by the pleadings will be considered on the return date of this Order, and only those issues
22 raised by motion or brought into controversy by the responsive pleadings and supported by
23 affidavit(s) or declaration(s) will be considered at the return of this Order, and any uncontested
24 allegation in the petition will be considered admitted.

25 **ORDERED** this 2 day of July, 2012, at San Jose, California.

26 
27 LUCY H. KOH
28 UNITED STATES DISTRICT JUDGE

US, et al., v. PHUC LE,
Case No. CV 12-2302-LHK
Admin. Mot. To Reschedule Hrg.