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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Petitioner,
v.
JOSE HERNANDEZ,
Respondent.

Case No. 17-cv-00040-BLF

**ORDER DISCHARGING ORDER TO
SHOW CAUSE RE: CONTEMPT
WITHOUT PREJUDICE**

[Re: ECF 22]

On June 7, 2017, the Court issued an Order to Show Cause Re: Contempt, ordering Respondent to appear in person before the Court on July 27, 2017 at 9:00 a.m. and show cause why he should not be held in contempt for failure to comply with the Order Requiring Respondent to Appear Before Revenue Officer to Give Testimony and Provide Items Described in Summonses filed April 12, 2017. Respondent did not appear at the hearing on July 27, 2017. At the hearing Petitioner's counsel clarified that Respondent had not been personally served with the Order to Show Cause Re: Contempt. Because it was not clear that Respondent received actual notice of the contempt proceedings, the Court indicated that it was not prepared to go forward. Petitioner's counsel offered to submit a renewed motion for an Order to Show Cause Re: Contempt and to provide proof of personal service on Respondent.

Accordingly, the Order to Show Cause Re: Contempt issued on June 7, 2017 is DISCHARGED. This ruling is without prejudice to the filing of a renewed motion for an Order to Show Cause Re: Contempt.

IT IS SO ORDERED.

Dated: July 27, 2017


BETH LABSON FREEMAN
United States District Judge