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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 CONTINUING HEARING ON
AMENDED ORDER TO SHOW CAUSE
RE: CONTEMPT FROM JANUARY 11,
2018 TO MARCH 29, 2018**

[Re: ECF 28]

On August 2, 2017, the Court issued an Amended Order to Show Cause Re: Contempt (ECF 28), ordering Respondent Jose Hernandez (“Dr. Hernandez”) to appear in person before the Court on January 11, 2018, at 9:00 a.m., to show cause why he should not be held in contempt for failure to comply with the Court’s Order Requiring Respondent to Appear Before Revenue Officer to Give Testimony and Provide Items Described in Summonses (ECF 16), which was filed April 12, 2017.

Dr. Hernandez appeared at the Show Cause hearing, pro se. At the start of the hearing, the Government’s counsel informed the Court that Dr. Hernandez has provided the Government with some of the requested records. The Government asked the Court to continue the Show Cause hearing to give Dr. Hernandez an opportunity to comply fully with the Court’s order requiring production and testimony. The Court agreed to continue the Show Cause hearing to March 29, 2018, at 9:00 a.m.

The Government’s counsel stated that in the event that Dr. Hernandez does not comply fully with his Court-ordered obligation to provide records and testimony, the Government will seek civil contempt sanctions in the amount of \$50.00 per day of noncompliance. The Court indicated that it would be willing to impose such sanctions in the event of Dr. Hernandez’s

1 noncompliance, but that it would not impose sanctions and would vacate the March 29, 2018
2 hearing if Dr. Hernandez complies to the Government's satisfaction before that date. The Court
3 also advised Dr. Hernandez that he may (but is not required to) hire an attorney, at his own
4 expense, to represent him at the Show Cause hearing if it goes forward on March 29, 2018.

5 Accordingly, IT IS HEREBY ORDERED:

6 (1) The hearing on the Amended Order to Show Cause Re: Contempt (ECF 28) is
7 CONTINUED to March 29, 2018, at 9:00 a.m., in Courtroom 3, 5th Floor, United States
8 Courthouse, 280 South 1st Street, San Jose, California, 95113. Unless the hearing is vacated, Dr.
9 Hernandez must appear before the Court at that date and time.

10 (2) If Dr. Hernandez does not comply fully with his Court-ordered obligation to
11 provide records and testimony to the Government, and does not show cause for any
12 noncompliance at the continued hearing on March 29, 2018, he will subject to civil contempt
13 sanctions of up to \$50.00 per day for each day of noncompliance after March 29, 2018.

14 (3) If the Government informs the Court that Dr. Hernandez has complied fully with
15 his Court-ordered obligation to provide records and testimony before March 29, 2018, the Court
16 will discharge the Amended Order to Show Cause Re: Contempt and vacate the hearing.

17 (4) Dr. Hernandez may (but is not required to) hire an attorney, at his own expense, to
18 represent him at the Show Cause hearing if it goes forward on March 29, 2018.

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20 Dated: January 11, 2018

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BETH LABSON FREEMAN
United States District Judge