

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Walker D. Miller

Civil Action No. 09-cv-00304-WDM

UNITED STATES OF AMERICA,

Petitioner,

v.

LOUIE M. RODRIGUEZ,

Respondent.

ORDER

This matter was set for a scheduled status conference on the state of Respondent's compliance with my orders following the May 6, 2010 status conference at which the Respondent was ordered to provide all documents required by the IRS subpoena by May 25, 2006. I am advised by the Petitioner representatives that he has again failed to provide that information. Accordingly, he continues to be in contempt of court and is being subjected to a \$50 per day fine.

Respondent did not appear at the May 25, 2010 hearing as ordered and instead submitted a fax stating that he was unable to afford bus fare to Denver until the end of this week and requesting a new setting.

I am advised by the government that my colleague, Senior Judge Lewis T. Babcock, was similarly disappointed with the Respondent's failure to attend and ordered his arrest. It is anticipated that he will be placed at the Detention Center here in the

Denver metro area.

The government requests that I enter judgment against the Respondent in the amount of monetary penalty accrued to date and asks that I consider alternative remedies for the Respondent's ongoing contempt, including a custodial sentence until he complies with my orders.

Given the apparent parallel proceedings concerning the Respondent before Judge Babcock and myself it appears that judicial resources would be preserved by consolidation.

After due consideration it is ordered:

1. The daily fine of \$50 commenced on March 3 and has continued for 84 days until May 25, 2010, without the Respondent complying with my order or the relevant subpoena 84 days at \$50 per day results in a total of \$4,200. Judgment shall enter against the Respondent and in favor of the Petitioner United States of America in the amount of \$4,200, together with lawful interest thereon.

2. Once the Respondent has been arrested and placed in custody by the United States Marshal, the Petitioner shall schedule a status conference with the Respondent in this matter to determine how this matter shall proceed. Petitioner shall submit its recommendations five days before the status conference.

3. Respondent is put on notice that I will consider imposing an indefinite period of imprisonment until he complies with my orders and he should be prepared to address the issue of imprisonment at the scheduled status conference.

4. In the interest of preserving scarce judicial resources the Petitioner shall file a motion to consolidate this case with the case pending before Senior Judge Lewis T.

Babcock (known as Case No. 09-cv-02598-LTB) with the same Respondent concerning a different tax year.

DATED at Denver, Colorado, on May 26, 2010.

BY THE COURT:

s/ Walker D. Miller
United States Senior District Judge