

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 09-61726-CV-COHN/SELTZER

UNITED STATES OF AMERICA,

Petitioner,

v.

TRISTINA ELMES,

Respondent.
_____ /**ORDER GRANTING PETITIONER'S MOTION TO DISMISS**

THIS CAUSE is before the Court on Petitioner's Notice of Respondent's Compliance with IRS Summons and Petitioner's Motion to Dismiss Petition for Enforcement of IRS Summons Pursuant to Federal Rule of Civil Procedure 41(a)(2) [DE 26] ("Motion to Dismiss"). The Court has considered the Motion to Dismiss, the record in this case and is otherwise advised in the premises. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. Petitioner's Motion to Dismiss [DE 26] is **GRANTED**. The Petition to Enforce Internal Revenue Service Summonses [DE 1] is **DISMISSED**.
2. Based on the Petitioner's Representation that the Respondent has purged herself, the Court rescinds its directions to the U.S. Marshals Service contained in the Court's Order of Civil Contempt [DE 23].

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, on this 5th day of February, 2010.



JAMES J. COHN
United States District Judge

Copies provided to:

Counsel of record

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U.S. Marshals Service