

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

DAVID GERARD PFLUM,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:17-CV-00579-DGK
	)	
UNITED STATES OF AMERICA, et al.,	)	
	)	
Defendants.	)	

**ORDER DISMISSING CASE FOR FAILURE TO PROSECUTE**

This matter stems from two cases in the United States District Court for the District of Kansas: a pending civil federal collection suit to enforce tax liens attached to Plaintiff's properties; and a closed federal criminal matter in which Plaintiff was found guilty by a jury. On November 26, 2016, Plaintiff David Gerard Pflum filed this civil suit in the district court of Pottawatomie County, Kansas, seeking: (1) to quiet title in certain real property in St. Marys, Kansas; (2) declaratory relief regarding his federal income tax liability; (3) injunctive relief regarding the collection of his federal income tax liabilities; and (4) money damages in the amount of \$12.5 million. This matter was removed to the District of Kansas, and then transferred to the Western District of Missouri.

The Federal Defendants<sup>1</sup> in this matter moved to dismiss the action. On August 11, 2017, the Court granted the motion and dismissed the Federal Defendants. Order Granting Defendants' Motion to Dismiss (Doc. 14). In its Order, the Court recognized the only remaining named

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<sup>1</sup> The federal defendants were: the United States of America, Assistant United States Attorney Herbert Linder, Assistant United States Attorney Christine Kenney, IRS Special Agent Henry Herron, the Honorable K. Gary Sebelius, and the Honorable Daniel Crabtree.

defendant in this matter<sup>2</sup> is the Kansas Department of Revenue, and there is no evidence on the record that the Department of Revenue was properly served with a complaint and summons. The Court ordered Plaintiff to provide adequate proof of service on or before August 25, 2017, or risk having this matter dismissed for his failure to prosecute.

Plaintiff was served with the Court's Order on August 14, 2017. Certificate of Service (Doc. 15). Plaintiff has not provided a proof of service for the Kansas Department of Revenue or any other response.

Accordingly, this matter is DISMISSED for failure to prosecute.

**IT IS SO ORDERED.**

Date: September 14, 2017

/s/ Greg Kays  
GREG KAYS, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

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<sup>2</sup> Plaintiff has also asserted "Does 1-100" are defendants in this case, but has not provided any information about these possible defendants.