

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

ERNEST TERRY, Movant, vs. SOCIAL SECURITY ADMINISTRATION, OFFICE OF THE INSPECTOR GENERAL Respondent.	4:23-MC-00011-KES ORDER DENYING MOTION FOR ORDER PURSUANT TO CUSTOMER CHALLENGE PROVISIONS AND GRANTING MOTION TO ENFORCE ADMINISTRATIVE SUBPOENA
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The court has reviewed Movant's Motion for Order Pursuant to Customer Challenge Provisions of the Right to Financial Privacy Act of 1978 (RFPA), and sworn statement in support, and Respondent's Motion to Enforce Administrative Subpoena and Response to Customer Challenge, and supporting documentation. Government access to financial records concerning individuals is governed by the RFPA, which allows a customer to challenge only: (1) the relevance of the requested records, (2) the legitimacy of the law enforcement inquiry, and (3) whether there has been compliance with the RFPA provisions. 12 U.S.C. § 3410(a), (c). The court finds the records sought under the subpoena are relevant to a legitimate law enforcement inquiry and the RFPA provisions have been complied with. Thus, it is

ORDERED that:

1. Movant's Motion for Order Pursuant to Customer Challenge Provisions of the Right to Financial Privacy Act (Docket 1) is denied.
2. Respondent's Motion to Enforce Administrative Subpoena (Docket 8) is granted.
3. Wells Fargo Bank must produce the records requested in SSA-OIG administrative subpoena *duces tecum*, numbered SPR-597, at such time and place as SSA-OIG shall provide; and
4. SSA-OIG shall be permitted to retain, access, and review the records produced by Wells Fargo Bank.

Dated April 4, 2023.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER

UNITED STATES DISTRICT JUDGE