

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE

FILED BY JHA D.C. 05 MAY 10 AM 9:15

UNITED STATES OF AMERICA,)
)
 Petitioner,)
)
 v.)
)
 ANDERSON IVIE)
 1618 Janis Drive)
 Memphis, TN 38116,)
)
 Respondent.)

Robert R. Di Iorio
CLERK U.S. DIST. CT.
WD. OF TN. MEMPHIS

CA No.

05-2314 Ma V

ORDER TO SHOW CAUSE

Upon the petition, the memorandum of points and authorities in support thereof and the accompanying declaration of Revenue Officer Nancy J. Wells, it is

ORDERED that Anderson Ivie shall appear before the United States District Court for the Western District of Tennessee, at the United States Courthouse located at 167 N. Main Street in Courtroom 5, on the 9th day of June, 2005 at 10:00 a.m., to show cause why he should not be compelled to obey the internal revenue summons issued to and served upon him on January 27, 2005; it is further

ORDERED that copies of this order, together with the petition to enforce summons, memorandum of points and authorities in support thereof and accompanying declaration of Revenue Officer Nancy J. Wells be served upon Ivie

(6)

in accordance with the Federal Rules of Civil Procedure on or before the 17th day of May, 2005; it is further

ORDERED that not later than five (5) days before the date of the hearing as set forth above, Ivie will either appear to give testimony and to produce for examination certain books, papers, records or other data described in the summons at the offices of the Internal Revenue Service located at 22 N. Front Street, Suite 421, Memphis, Tennessee or file and serve a written response to the United States' petition, including any motions it desires to make; it is further

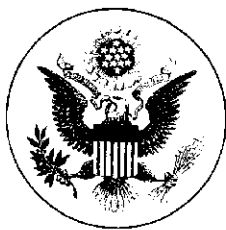
ORDERED that any written response filed and served by respondent will be considered, but any issues raised and brought into controversy by any response shall be supported by affidavit(s) or declaration(s) in order to be considered, and any allegations in the United States' petition not contested by affidavit(s) or declaration(s) will be considered as admitted for the purpose of this enforcement proceeding. Any affidavit or declaration in opposition to the petition or in support of any response shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence and shall show affirmatively that the affiant is competent to testify to the matters stated therein, and any affidavit or declaration failing to comply with this standard shall not be considered by this Court; it is further

ORDERED that, if Ivie has no objection to the entry of an order directing compliance with the summons, he shall serve and file a statement to such effect

no later than five (5) days before the date of the hearing, and the Clerk of the Court will enter an order directing Ivie's compliance with the Internal Revenue Service's administrative summons issued to and served upon it on January 27, 2005.

DONE at Memphis, Tennessee this 4th day of May, 2005.

Deane K. Uroev
UNITED STATES DISTRICT JUDGE
Magistrate



Notice of Distribution

This notice confirms a copy of the document docketed as number 6 in case 2:05-CV-02314 was distributed by fax, mail, or direct printing on May 11, 2005 to the parties listed.

Lindsey W. Cooper
Trial Attorney
P.O. Box 020705
Washington, DC 20044

Honorable Samuel Mays
US DISTRICT COURT