

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

GARY DWAILEEBE

Plaintiff,

v.

MICHAEL MARTINEAU, et al.,

Defendants.

Case No. 1:16-cv-00420 (CRC)

MARK CRUMPACKER

Plaintiff,

v.

CAROLINE CIRAULO-KLEPPER, et al.,

Defendants.

Case No. 1:16-cv-01053 (CRC)

JAMES W. MORRIS

Plaintiff,

v.

RYAN O. MCMONAGLE, et al.,

Defendants.

Case No. 1:16-cv-01384 (CRC)

WILLIAM B. MCGARVIN

Plaintiff,

v.

RYAN O. MCMONAGLE, et al.,

Defendants.

Case No. 1:16-cv-01458 (CRC)

ADELE PODGORNÝ

Plaintiff,

v.

RYAN O. MCMONAGLE, et al.,

Defendants.

Case No. 1:16-cv-01768 (CRC)

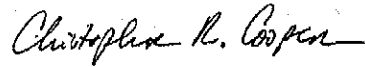
ORDER

On November 4, 2016, this Court issued an Order consolidating these five cases, in which Plaintiffs challenge the legality of the Internal Revenue Service's ("IRS") preparation and use of records to substantiate the tax liability of individuals who the IRS determines did not file required federal tax returns. In each of these cases, Plaintiffs have filed motions to stay this Order pending the outcome of a petition for a writ of mandamus to the U.S. Court of Appeals for the District of Columbia Circuit. "The factors the Court considers in determining whether a stay pending petition for writ of mandamus is warranted are the same as a stay pending appeal: (1) the likelihood that the party seeking the stay will prevail on the merits of the petition; (2) the likelihood that the moving party will be irreparably harmed absent a stay; (3) the prospect that others will be harmed if the Court grants the stay; and (4) the public interest in granting the stay." Citizens for Responsibility and Ethics in Washington v. Cheney, 580 F. Supp. 2d 168, 177 (D.D.C. 2008) (citing Cuomo v. U.S. Nuclear Regulatory Comm'n, 772 F.2d 972, 974 (D.C. Cir. 1985)).

The Court finds that these factors weigh against granting a stay. Plaintiffs have little likelihood of prevailing on the merits of the petition because "the question of consolidation . . . [is] a matter within the sound discretion of the District Court . . . [and] will not be disturbed on appeal except for abuse." Santucci v. Pignatello, 188 F.2d 643, 645 (D.C. Cir. 1951). Plaintiffs

have, moreover, presented no evidence that they will suffer irreparable harm absent a stay, or that there is a public interest in granting such a stay. It is, therefore, **ORDERED** that [14] Motion to Stay in Dwaileebe v. Martineau et al., 16-cv-420, [22] Motion to Stay in Crumpacker v. Ciralo-Klepper et al., 16-cv-1053, [11] Motion to Stay in Morris v. McMonagle et al., 16-cv-1384, [17] Motion to Stay in McGarvin v. McMonagle et al., 16-cv-1458, and [14] Motion to Stay in Podgorny v. McMonagle et al., 16-cv-1768 are **DENIED**.

It is **FURTHER ORDERED** that any other Plaintiffs seeking to oppose the Government's [4] Motion to Dismiss in Dwaileebe may do so by December 16, 2016. Failure to respond by that date will risk dismissal of the complaints. The Government shall file any consolidated reply brief by December 30, 2016.



CHRISTOPHER R. COOPER
United States District Judge

Date: December 5, 2016


UNITED STATES DISTRICT AND
BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA
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ROBERT A. MCNEIL
729 Grapevine Highway
#148
Hurst, TX 76054

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