

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARK CRUMPACKER,)
)
 Plaintiff,) Case No. 1:16-cv-01053
)
 v.)
)
 CAROLINE CIRAOLO-KLEPPER;)
 MICHAEL MARTINEAU;)
 MARK J. LANGER;)
 COMM'R., INTERNAL REVENUE;)
 UNITED STATES ATTORNEY GENERAL;)
 and)
 2 UNKNOWN-NAMED IRS/DOJ)
 ATTORNEYS,)
)
 Defendants.)
)
 _____)
 UNITED STATES OF AMERICA)
)
 Counterclaim Plaintiff,)
)
 v.)
)
 MARK CRUMPACKER,)
 MICHAEL B. ELLIS, and)
 ROBERT A. MCNEIL)
)
 Counterclaim Defendants.)
 _____)

**UNITED STATES' SECOND MOTION FOR ORDER TO SHOW CAUSE
WHY COUNTERCLAIM DEFENDANTS SHOULD NOT BE
HELD IN CONTEMPT**

The United States of America moves the Court for an order requiring counterclaim defendants Robert A. McNeil and Michael B. Ellis to show cause why they should not be held in contempt for violating the Order of Permanent Injunction entered by this Court for the second time since the injunction was entered.

As set forth more fully in the attached memorandum of law in support of this motion, the defendants have twice disobeyed the permanent injunction against them, despite their knowledge of it. Specifically, they filed a new action *McNeil, et al. v. Brown, et al.*, No 1:17-cv-02602 (D.D.C.) – in which they seek a declaratory judgment that judges of the United States Court of Appeals for the D.C. Circuit violated the First and Fifth Amendments by affirming the district court dismissals in *Ellis v. Commissioner*, 1:14-cv-00471 (D.D.C.), *McNeil v. Commissioner*, 1:16-cv-01288 (D.D.C.), *DePolo v. Ciraolo-Klepper*, No. 1:15-cv-02039 (D.D.C.), and *Crumpacker v. Ciraolo-Klepper*, No. 1:16-cv-01053-CRC (D.D.C.) (consolidated with case numbers 1:16-cv-00420, 1:16-cv-01458, 1:16-cv-01768, 1:16-cv-02089). Because this recently filed civil action comes within the purview of the injunction, McNeil and Ellis were required to seek prior leave of court to file it, and failed to do so.

This motion is based on the pleadings, the records and files in this case, and the memorandum of law, request for judicial notice, and exhibits submitted herewith.

Dated: December 22, 2017

JESSIE K. LIU
United States Attorney

RICHARD E. ZUCKERMAN
Principal Deputy Assistant Attorney General

/s/ Ryan O. McMonagle
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CERTIFICATE OF SERVICE

I certify that on December 22, 2017 I filed the foregoing Motion for Order to Show Cause Why Counterclaim Defendants Should Not Be Held In Contempt with the Clerk of Court using the CM/ECF system, and have caused a copy thereof to be served by U.S. mail, postage prepaid, to the following:

Michael B. Ellis
5052 NE County Road 220
Rice, Texas 75155
Counterclaim Defendant

Robert A. McNeil
729 Grapevine Highway #148
Hurst, Texas 76054
Counterclaim Defendant

/s/ Ryan O. McMonagle
RYAN O. MCMONAGLE