UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

STEPHEN J. LINDSEY and PATRICIA L. LINDSEY,)))
Plaintiffs,	
v.) (Civil Action No. 05-1761 (RBW)
UNITED STATES,))
Defendant.)))

ORDER

In accordance with the Memorandum Opinion that accompanies this Order, it is hereby

ORDERED that the defendant's motion to dismiss for insufficient service of process is

DENIED. It is further

ORDERED that the defendant's motion to dismiss the plaintiffs' claims for a declaratory judgment, an injunction, and a tax refund for lack of subject matter jurisdiction is GRANTED. It is further

ORDERED that the defendant's motion to dismiss the plaintiffs' claim for damages for failure to state a claim upon which relief can be granted is GRANTED. It is further

ORDERED that the plaintiffs may amend their complaint to include a facial challenge to 26 C.F.R. § 301.7433-1 (2006). The plaintiffs may not seek to amend their complaint in any other respect. It is further

ORDERED that the plaintiffs' amended complaint shall be filed by September 25, 2006.

The defendants shall answer or otherwise respond to the plaintiffs' amended complaint by

October 30, 2006.

SO ORDERED this 22nd day of August, 2006.

REGGIE B. WALTON United States District Judge

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