

SEP 13 2006

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN  
CLERK

THE AMERICAN CIVIL LIBERTIES  
UNION OF NEW MEXICO; THE  
LEAGUE OF WOMEN VOTERS OF ALBUQUERQUE/  
BERNALILLO COUNTY, INC.; SAGE COUNCIL;  
NEW MEXICO COALITION TO END HOMELESSNESS;  
ANNE KASS, ALEXANDRA KAZARAS  
and BARBARA GROTHUS,

Plaintiffs,

v.

No. CV 05-1136 MCA/WDS

MILLIE U. SANTILLANES, ALBUQUERQUE  
CITY CLERK,

Defendant.

**ORDER GRANTING  
UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL OF  
CERTAIN COUNTS OF PLAINTIFFS' SECOND AMENDED COMPLAINT**

This matter having come before the Court upon Plaintiffs' unopposed motion to dismiss certain counts of their Second Amended Complaint for Declaratory and Injunctive relief, and Defendant concurring in the motion, it is hereby ordered that pursuant to F.R.Civ.P. 41(a) Counts II, III, IV and V of Plaintiffs' Second Amended Complaint for Declaratory and Injunctive Relief are dismissed with prejudice.

  
9-13-2006  
United States District Judge

Pleading Separator Sheet USDC NM

Inevins Case Number: 6cv266

Silver, USA

Document #: 11



6cv266+11+2006-09-14

**FILED**

**IN THE UNITED STATES DISTRICT COURT**

**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO**

**FOR THE DISTRICT OF NEW MEXICO**

**SEP 14 2006**

Aaron David Silver )  
Plaintiff )

**MATTHEW J. DYKMAN**  
**CLERK**

vs. )

CIV 06-266 WJ/ACT

United States of America )  
Defendant )

**MOTION FOR LEAVE OF COURT TO FILE AMENDED COMPLAINT**

Plaintiff, Aaron David Silver files this Motion for Leave of Court to File Amended Complaint in subject case. Plaintiff telephoned Defendant's counsel and, not reaching him, left word for him to telephone Plaintiff if he objected. Defendant's counsel did not return the call and has not objected to this motion as of the date below. This motion is made under Rule 15, Amended and Supplemental Pleadings of Fed. Rules of Civ. Pro.

**ARGUMENT**

Plaintiff came to New Mexico with his family in 1981 and has been systematically terrorized by Defendant, the Internal Revenue Service, from that year forward until and including today. Ten years ago, on May 2, 1996, Defendant entered Plaintiff's house in Santa Fe at 7:00 am, based on Notices of Liens and Levies with inaccurate and fabricated tax obligations, and Defendant informed Plaintiff that it would be taking substantially everything in the house to the large, black truck waiting outside the house. Plaintiff telephoned his attorney, now Judge Timothy Garcia, who told

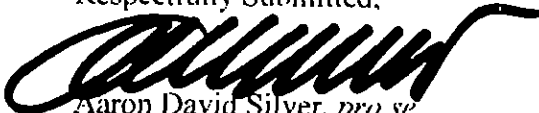
Plaintiff that he should file for protection under Chapter 7. Plaintiff did so on May 4, 1996. Plaintiff was discharged on February 2, 1997.

In May, 1997, Defendant filed a notice of Intent to Levy on Plaintiff, based on inaccurate and fabricated tax obligations, and removed all art, antiques and furniture from Plaintiff's home in Cold Spring, NY. Plaintiff protested to two District Directors, to the IRS Commissioner, to Senators Roth, Lautenberg and Domenici, but the assets were seized and some of them were sold at auction in 1999. Defendant continues to hold onto the unsold art, antiques and artifacts. The levies and liens that the IRS based this seizure on are without any foundation and some tax obligations were created out of whole cloth.

As Plaintiff is bringing the Original Complaint to cause the Court to order the Internal Revenue Service to pay Plaintiff a refund owing of more than \$300,000, and because Plaintiff believes that Defendant owes it more than \$400,000 for the seizure and sale of art, antiques and artifacts from his Cold Spring, NY home in 1997, and because of the similarity of the two matters, and to avoid having Plaintiff file an entirely new complaint for the 1997 matter, Plaintiff prays the Court grant leave for Plaintiff to file an Amended Complaint. The Original Complaint and the planned Amended Complaint have direct relationship to one another and involve the same issues.

THEREFORE, Plaintiff prays the Court grant leave for Plaintiff to file an Amended Complaint in CIV 06-266. Defendant has not objected to this Motion being filed.

Respectfully Submitted,



Aaron David Silver, *pro se*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Motion for Leave of Court to File an Amended Complaint was served by United States first class mail, postage prepaid, on the 8 day of September, 2006. on the following:

Jon E. Fisher, Esq.  
U.S. Department of Justice  
Tax Division  
717 N. Harwood, Suite 400  
Dallas, TX 75201

Respectfully Submitted,



Aaron David Silver, *pro se*  
109 No. Shining Sun  
Santa Fe, NM 87506