

UNITED STATES TAX COURT  
WASHINGTON, DC 20217 PA

JOHN HOBART ZENTMYER,	)	
	)	
Petitioner,	)	
	)	
v.	)	Docket No. 5692-17.
	)	
COMMISSIONER OF INTERNAL REVENUE,	)	
	)	
Respondent	)	
	)	
	)	
	)	

**ORDER**

On July 20, 2017, petitioner filed his Motion To Strike and Motion for Supplemental Pleading in response to Respondent’s First Supplemental Motion To Dismiss for Failure To State a Claim Upon Which Relief Can be Granted, filed July 7, 2017. Petitioner seeks in the motion to have respondent’s First Supplemental Motion stricken or, in the alternative, permission for petitioner to file a response to respondent’s First Supplemental Motion.

We shall deny that part of petitioner’s motion which seeks to strike respondent’s First Supplemental Motion. We shall grant that part of petitioner’s motion wherein he seeks permission to file a response.

The premises considered, it is

ORDERED that petitioner’s Motion To Strike and Motion for Supplemental Pleading is denied in that respondent’s First Supplemental Motion To Dismiss for Failure To State a Claim Upon Which Relief Can be Granted shall not be stricken from the record. It is further

ORDERED that petitioner's above-referenced motion is granted in that petitioner may file a response to respondent's First Supplemental Motion To Dismiss for Failure To State a Claim Upon Which Relief Can be Granted. It is further

ORDERED that petitioner shall file his response, if any, to respondent's First Supplemental Motion To Dismiss for Failure To State a Claim Upon Which Relief Can be Granted on or before August 21, 2017.

**(Signed) Julian I. Jacobs**  
**Judge**

Dated: Washington, D.C.  
July 25, 2017