

UNITED STATES TAX COURT
WASHINGTON, DC 20217

ROBERT ROSE,)	
)	
Petitioner,)	
)	
v.)	Docket No. 2060-17.
)	
COMMISSIONER OF INTERNAL REVENUE,)	
)	
Respondent)	

ORDER

Now before us is a request stated in respondent’s status report filed February 15, 2018. We will not grant the request, since it is moot.

Background

By our order of November 27, 2017, it was--

ORDERED ... that the undersigned judge retains jurisdiction over this case. It is further

ORDERED that, no later than February 22, 2018, and every 90 days thereafter, the parties shall file a joint status report (or, if that is not possible, then separate reports) giving the current status of the case....

In compliance with that order, respondent filed a status report on February 15, 2018. The status report ends as follows:

Respondent requests that Judge Gustafson retains jurisdiction of this case and orders another status report due in May or August 2018.

SERVED Feb 16 2018

Discussion

A request for the issuance of an order should ordinarily be stated in a motion. See Rule 50(a) (“An application to the Court for an order shall be by motion”). Following this procedure helps to assure that a request is not overlooked. Parties should generally avoid putting requests for relief in documents that they file as status reports.

Moreover, in this instance, the request was unnecessary, and no motion was needed. By the Court’s order of November 27, 2017, the undersigned judge had already retained jurisdiction and had already required the filing of periodic status reports (“... and every 90 days thereafter”). However, respondent’s inclusion of the request in his status report makes us suppose that he may have overlooked the requirement of periodic status reports in our prior order and might fail to comply with that requirement unless we issue yet another order. It is

ORDERED that our order of November 27, 2017, shall remain in force and effect.

(Signed) David Gustafson
Judge

Dated: Washington, D.C.
February 16, 2018