

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

PETER JAY DUNN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	1:08cv514-MHT
	)	(WO)
PETE GEREN, Secretary of	)	
the Department of the	)	
Army; THE DEPARTMENT OF	)	
THE ARMY; and THE UNITED	)	
STATES OF AMERICA,	)	
	)	
Defendants.	)	

OPINION

On June 18, 2009, at the request of counsel for the plaintiff, the court stayed all proceedings in this case because the plaintiff, while not in the military, is a civilian contractor working overseas in support of a military mission. The court required that, "On or before the first Monday of each and every December and the first Monday of each and every June until further order of the court, the parties are to file a joint report on whether the stay in this case should be continued or lifted."

On June 7, 2010, the defendants filed a status report as follows: "Due to the failure of Plaintiff to file any required status reports in December 2009 or June 2010 or communicate to Defendants regarding when Plaintiff might be returning to Alabama from his overseas contractor position, Defendants request that the Court show cause Plaintiff as to why the Court should not lift this stay and why, if he cannot return from overseas to litigate his case or provide any set future date when he may return, this case should not be dismissed without prejudice for failure to prosecute."

Pursuant to the defendants' status report, the court ordered, on June 10, 2010, that "plaintiff ... show cause, if any there be, in writing by June 22, 2010, as to why the stay in this case should not be dissolved and why this case should not be dismissed without prejudice for failure to prosecute."

The plaintiff and his attorney have failed to respond to the June 10 show-cause order as required. Therefore,

pursuant to the June 10 show-cause order, the stay in this case will be dissolved and this case will be dismissed without prejudice for failure to prosecute.

An appropriate judgment will be entered.

DONE, this the 24th day of June, 2010.

          /s/ Myron H. Thompson            
UNITED STATES DISTRICT JUDGE