

In the United States Court of Federal Claims

No. 11-903 L

(Filed December 19, 2013)

DONNELLY R. VILLEGAS, *

*

Plaintiff, *

*

v. *

*

THE UNITED STATES, *

*

Defendant. *

ORDER

On June 4, 2012, the court stayed this matter pending a final decision in a related case filed by plaintiff before the United States District Court for the Eastern District of Washington, *Villegas v. United States, et al.*, Case No. CV-12-0001-EFC. On December 3, 2013, plaintiffs’ counsel of record, Gabriel S. Galanda, Esq., filed a Motion to Withdraw as counsel in this matter. On December 4, 2013, defendant filed a Joint Status Report stating that final resolution of the district court case has resulted in dismissal of plaintiff’s complaint with prejudice in that forum. Additionally, defendant reports that the government believes, pursuant to the findings of the district court, that this court does not have jurisdiction to hear plaintiff’s claims. Defendant states that once plaintiff has obtained new counsel or otherwise determined how he will proceed with this litigation, the government will move to have a briefing schedule entered for a motion to dismiss. *See JSR ¶ 4.* Based on the above, the parties request that the court stay proceedings in this matter for a period of time not to exceed ninety days to allow plaintiff to either obtain new counsel, proceed in this court pro se, or voluntarily dismiss the complaint. JSR ¶ 5.

Accordingly, it is hereby **ORDERED** that:

- (1) The Clerk’s Office is directed to continue the **STAY** in this matter

until further order of the court;

- (2) Gabriel S. Galanda's Motion to Withdraw is **GRANTED**;
- (3) The Clerk's Office is directed to **REMOVE** this matter from the court's electronic filing system as of the date of this order;
- (4) The Clerk's Office is directed to **SERVE** a copy of this order and any future filings in this matter to plaintiff at:

4615 West Wellesley
Spokane, WA 99205

- (5) **Plaintiff** shall **FILE** with the court, and **SERVE**¹ a copy on the government's counsel, a **Status Report**, on or before **February 22, 2014**, indicating if he intends to litigate this matter either without counsel (*pro se*) or with new counsel.

/s/Lynn J. Bush

LYNN J. BUSH

Senior Judge

^{1/} Plaintiff is reminded that any submissions before the court must comply with the procedural Rules of the Court of Federal Claims (RCFC). All filings must include a certificate of service showing (1) the day and manner of service; (2) the person or entity served; and (3) the method of service employed. *See* RCFC 5.3, Proof of Service. Also, any filings to the court must include an original and two copies, pursuant to RCFC 5.5(d)(2). The court's rules are available on the internet at <http://www.uscfc.uscourts.gov/rules-and-forms>.