

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

TED R. ROHRENBACH, the Father of ARIC
RICHARD SCOTT TRACY, Deceased,

Plaintiff,

v.

IDAHO DEPARTMENT OF JUVENILE
CORRECTIONS, *et al.*,

Defendant.

Case No. CV 09-615-S-BLW

ORDER

The Court has before it Defendant Shoshone County's Motion to Dismiss (Docket No. 25) and Defendant Idaho Department of Juvenile Corrections' Joinder in Motion to Dismiss (Docket No. 26). The defendants ask the Court to dismiss this case pursuant to the Court's earlier Order, Docket No. 23.

Earlier, the Court granted Plaintiff's counsel's Motion to Withdraw as Counsel of Record (Docket No. 22.) In that Order, the Court granted the motion to withdraw pursuant to District of Idaho Local Civil Rule 83.6. The Court ordered withdrawing counsel to continue to represent Plaintiff, pursuant to the Court's Local Rule 83.6(c)(2), until proof of service of the Order on the client had been filed with the Court, or alternatively, until such time as Plaintiff notified the Court in writing that he had received the Court's Order. The Court also ordered withdrawing counsel to forthwith and with due

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diligence serve all other parties and either personally serve copies of the Order upon Plaintiff or mail the Order by first class mail, return receipt requested. Withdrawing counsel complied with the Court's Order and filed proof of service with the Court on June 25, 2010. (See Docket No. 24.)

In the Court's earlier Order, the Court informed Plaintiff that he had twenty-one (21) days from the filing of the proof of service by the withdrawing attorney to file written notice with the Court stating how and by whom he will be represented. The Court also stated that if Plaintiff failed to appear in this action, either in person or through a newly appointed attorney within that twenty-one (21) day period, such failure shall be grounds for dismissal of Plaintiff's claims with prejudice without further notice. Plaintiff failed to appear in this action within the twenty-one (21) day period. Accordingly, the Court will grant the motions to dismiss and dismiss this action in its entirety.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that Shoshone County's Motion to Dismiss (Docket No. 25) shall be, and the same is hereby, GRANTED.

IT IS FURTHER ORDERED that Defendant Idaho Department of Juvenile Corrections' Joinder in Motion to Dismiss (Docket No. 26) shall be, and the same is hereby GRANTED.

IT IS FURTHER ORDERED that this case be dismissed in its entirety with prejudice. The Court will enter a separate judgment pursuant to Federal Rule of Civil Procedure 58.



DATED: **July 21, 2010**

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

Honorable B. Lynn Winmill
Chief U. S. District Judge