

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

SNAKE RIVER SANITATION, INC.

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
AGRICULTURE and JOHN DOES 1-X,

Defendants.

Case No. 4:CV 09-382-BLW

MEMORANDUM DECISION

The Court has before it the Government's motion for summary judgment. No response has been filed by the plaintiff, and the deadline for that response has long since expired. Rather than grant the motion as a sanction for the failure to respond, the Court will independently review the record to determine if the motion has merit.

In the complaint, plaintiff Snake River Sanitation, Inc. alleges that the Government's negligence destroyed Snake River's truck and garbage container. The Government responded by filing a motion for summary judgment alleging that the record contains no evidence – beyond the complaint's allegations – that the truck was owned by Snake River. Rather, the evidence submitted by the Government shows that truck was owned by ALLCO Enterprises, Inc. and leased to Snake River Dispose-All, Inc., neither of which are parties here. Moreover, Snake River forfeited its charter in 1996, and thus could not have owned property in 2007 when the property at issue here was destroyed.

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For all these reasons, the Court will grant the Government's motion in a separate judgment as required by Rule 58(a).



DATED: **November 24, 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