

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

FRANCISCO J. URENDA-GARIBAY,)	
)	
Plaintiff,)	TC-MD 150394C
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
State of Oregon,)	
)	
Defendant.)	FINAL DECISION OF DISMISSAL

This Final Decision of Dismissal incorporates without change the court’s Decision of Dismissal, entered November 10, 2015. The court did not receive a statement of costs and disbursements within 14 days after its Decision of Dismissal was entered. *See* TCR-MD 16 C(1).

This matter came before the court on its own motion to dismiss this case for lack of prosecution.

A case management conference was scheduled at 10:00 a.m. on October 8, 2015, to consider Plaintiff’s appeal. On September 24, 2015, the court sent notice of the scheduled case management conference to Plaintiff at the e-mail address Plaintiff provided to the court. The court’s notice was not returned as undeliverable. That notice advised that if Plaintiff did not appear, the court might dismiss the appeal.

Plaintiff failed to appear for the scheduled case management conference. On October 19, 2015, the court sent Plaintiff a letter that explained the importance of diligently pursuing an appeal. That letter was not returned as undeliverable. The court’s letter advised that if Plaintiff did not provide a written explanation by November 2, 2015, for his failure to appear, the court would dismiss the appeal. As of this date, Plaintiff has not submitted a written

response to the court's letter explaining his failure to appear. Under the circumstances, the court finds the appeal must be dismissed for lack of prosecution. Now, therefore,

IT IS THE DECISION OF THIS COURT that Plaintiff's Complaint is dismissed.

Dated this ____ day of November 2015.

DAN ROBINSON
MAGISTRATE

If you want to appeal this Final Decision of Dismissal, file a complaint in the Regular Division of the Oregon Tax Court, by mailing to: 1163 State Street, Salem, OR 97301-2563; or by hand delivery to: Fourth Floor, 1241 State Street, Salem, OR.

Your complaint must be submitted within 60 days after the date of the Final Decision of Dismissal or this Final Decision of Dismissal cannot be changed. TCR-MD 19 B.

This document was filed and entered on November 30, 2015.