

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

JOSE M. GUTIERREZ-ANGUIANO,)	
)	
Plaintiff,)	TC-MD 021229C
)	
v.)	
)	
DEPARTMENT OF REVENUE,)	
STATE OF OREGON,)	
)	
Defendant.)	DECISION OF DISMISSAL

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

A case management conference was scheduled on January 23, 2003, to consider Plaintiff's appeal. On December 16, 2002, notice of the case management conference was sent to Plaintiff at 1840 Molalla Avenue #30, Oregon City, OR 97048, which was the address Plaintiff provided to the court. The notice was not returned as undeliverable. Plaintiff did not appear at the case management conference, and there was no explanation for Plaintiff's failure to appear.

On January 23, 2003, the court sent Plaintiff a letter, which explained the importance of diligently pursuing an appeal. This letter was not returned as undeliverable. The letter advised that if Plaintiff did not provide a written explanation by February 17, 2003, for his failure to appear, the court would dismiss the appeal. As of this date, Plaintiff has not contacted the court. Under such circumstances, the court finds the appeal must be dismissed for want of prosecution. Now, therefore,

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IT IS THE DECISION OF THIS COURT that this matter be dismissed.

Dated this ____ day of March, 2003.

DAN ROBINSON
MAGISTRATE

IF YOU WANT TO APPEAL THIS DECISION, FILE A COMPLAINT IN THE REGULAR DIVISION OF THE OREGON TAX COURT, FOURTH FLOOR, 1241 STATE ST., SALEM, OR 97301-2563. YOUR COMPLAINT MUST BE SUBMITTED WITHIN 60 DAYS AFTER THE DATE OF THE DECISION OR THIS DECISION BECOMES FINAL AND CANNOT BE CHANGED.

THIS DOCUMENT WAS SIGNED BY MAGISTRATE DAN ROBINSON ON MARCH 20, 2003. THE COURT FILED THIS DOCUMENT ON MARCH 20, 2003.