

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Income Tax

KENITH M. BABBS,)	
)	
Plaintiff,)	TC-MD 041081B
)	
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 7, 2005, to consider Plaintiff's appeal. On December 3, 2004, notice of the case management conference was sent to Plaintiff at 3607 East 18th Avenue, Eugene, OR 97403, 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 7, 2005, 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 January 21, 2005, for his failure to

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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,

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

Dated this ____ day of January 2005.

JEFF MATTSON
MAGISTRATE

IF YOU WANT TO APPEAL THIS DECISION, 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 DECISION OR THIS DECISION BECOMES FINAL AND CANNOT BE CHANGED.

THIS DOCUMENT WAS SIGNED BY MAGISTRATE JEFF MATTSON JANUARY 27, 2005. THE COURT FILED AND ENTERED THIS DOCUMENT JANUARY 27, 2005.