

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Income Tax

JAMES C. SCHOUVILLER,	)	
	)	
Plaintiff,	)	TC-MD 050643C
	)	
v.	)	
	)	
DEPARTMENT OF REVENUE,	)	
State of Oregon,	)	
	)	
Defendant.	)	<b>DECISION OF DISMISSAL</b>

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

A status conference was scheduled on December 20, 2005, to consider Plaintiff's appeal. On November 15, 2005, notice of the status conference was sent to Plaintiff<sup>1</sup> at 92 W. Adams Street, Burns, OR 97720, which was the address provided to the court. The notice was not returned as undeliverable. Plaintiff did not appear at the status conference, and there was no explanation for his failure to appear.

On December 20, 2005, the court sent Plaintiff a letter, which explained the importance of diligently pursuing an appeal. That letter was not returned as undeliverable.<sup>2</sup> The letter advised that if Plaintiff did not provide a written explanation by January 3, 2006, 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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<sup>1</sup> Because Plaintiff appointed Kevin L. Pryse as authorized representative, communications with Plaintiff have been through his authorized representative.

<sup>2</sup> The court notes that although the zip code had been incorrect, it is presumed that the mail was delivered because it was not returned.

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

Dated this \_\_\_\_ day of January 2006.

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DAN ROBINSON  
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 Dan Robinson January 13, 2006 . The Court filed and entered this document January 13, 2006.***