

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Small Claims  
Income Tax

RYAN TATEISHI,	)	
	)	
Plaintiff,	)	TC-MD 050654C
	)	
v.	)	
	)	
DEPARTMENT OF REVENUE,	)	
State of Oregon,	)	
	)	<b>DECISION and JUDGMENT</b>
Defendant.	)	<b>OF DISMISSAL</b>

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

A case management conference was scheduled September 1, 2005, to consider Plaintiff's appeal. On June 29, 2005, notice of the case management conference was sent to Plaintiff at 920 N 34th Street #35, Seattle, Washington 98103, 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 September 1, 2005, the court sent Plaintiff a letter, which explained the importance of diligently pursuing an appeal. That letter was not returned as undeliverable. The letter advised that if Plaintiff did not provide a written explanation by September 16, 2005, for his failure to appear, the court would dismiss the appeal. On September 12, 2005, Plaintiff telephoned the court and stated he wished to withdraw his case. Plaintiff was directed to provide the court with

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DECISION and JUDGMENT OF DISMISSAL TC-MD 050654C

a written request to withdraw. Plaintiff failed to submit a written withdrawal, but he has, nonetheless, expressed a desire to have the appeal dismissed and has not otherwise explained, in writing, his failure to appear. Under such circumstances, the court finds the appeal must be dismissed. Now, therefore,

IT IS ADJUDGED that the Complaint is dismissed.

Dated this \_\_\_\_ day of October 2005.

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DAN ROBINSON  
MAGISTRATE

***This document is final and may not be appealed. ORS 305.514.***

***This document was signed by Magistrate Dan Robinson October 20, 2005. The Court filed this document October 20, 2005.***