



**Issue Date: 30 November 2018**

Case No.: 2014-FDA-00001

*In the Matter of:*

**JAMES BYRON,**  
*Complainant,*

v.

**I.E.H. LABORATORIES,**  
*Respondent.*

**DECISION AND ORDER OF DISMISSAL**

On September 11, 2018, I received by fax a letter from counsel for Complainant stating that “Complainant James Byron intends to file his claims currently pending in the Office of Administrative Law Judges in the United States District Court for the Western District of Washington. . . .” Letter at 1. The letter clarified that Complainant “does not seek dismissal of this action *until a secondary notice is given* confirming said federal court filing.” *Id.* (emphasis added). On October 12, 2018, I received a secondary notice from Complainant consisting of a copy of Complainant’s filing in federal court. On November 27, 2018, my law clerk contacted counsel for Complainant, who confirmed that he intended to seek dismissal of this matter before the Office of Administrative Law Judges by submitting the secondary notice confirming the matter has been filed in federal court.

Having received the request for dismissal by Complainant and confirmation that this matter has been filed in federal court, I find good cause to grant Complainant’s request. Accordingly, this matter is **DISMISSED WITHOUT PREJUDICE** and any pending deadlines are hereby cancelled.

**SO ORDERED.**

**PAUL R. ALMANZA**  
Associate Chief Administrative Law Judge