

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 08 April 2013

CASE NO.: 2012-STA-00037

IN THE MATTER OF

**CHARLES MEANS,
Complainant**

v.

**HORNADY TRANSPORTATION, LLC,
Respondent**

ORDER OF DISMISSAL WITH PREJUDICE AND CANCELLING HEARING

On March 4, 2013, Respondent filed a Motion to Show Cause as to whether Complainant intended to prosecute this claim. Respondent noted that Claimant has failed to make himself available for deposition. The undersigned has been informed by Complainant's prior counsel that Complainant's intention of proceeding *pro se*. Several attempts by the undersigned's office to contact Complainant by telephone have been unsuccessful. On March 12, 2013, the undersigned issued an Order to Show Cause on Respondent's Motion and informed Complainant that failure to show cause within fifteen days of the receipt of the Order would result in dismissal of his claim with prejudice. Complainant has failed to respond and show cause.

Accordingly, Complainant's claim is hereby **DISMISSED WITH PREJUDICE** for lack of prosecution.

Notice is given that a hearing to be held in **MONTGOMERY, AL, October 10, 2013, is cancelled.**

SO ORDERED this 8th day of April, 2013, at Covington, Louisiana.

**CLEMENT J. KENNINGTON
ADMINISTRATIVE LAW JUDGE**