



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR FAILURE TO PROSECUTE: October 4, 2012

CBCA 2810

CECELIA SUTTON,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Cecelia Sutton, pro se, Cleveland, OH.

Scott F. McCleary, Office of Regional Counsel, General Services Administration, Chicago, IL, counsel for Respondent.

Before Board Judges **SOMERS**, **BORWICK**, and **McCANN**.

BORWICK, Board Judge.

For the reasons below, we dismiss this case for failure to prosecute. On June 27, 2012, after a conference with the parties, we established August 24, 2012, and September 25, 2012, as the dates for record submissions and reply record submissions, respectively. August 24, 2012, came and went, without appellant submitting a record submission. On August 29, 2012, we issued an order requesting appellant to state whether she would: (1) not supply a record submission of her own, but respond to respondent's record submission; (2) rest on the present record; or (3) abandon the appeal. We asked appellant to respond by September 12, 2012, and warned appellant that failure to respond would result in our consideration of a dismissal for lack of prosecution. Appellant did not respond. On September 14, 2012, we issued an order to show cause why the appeal should not be dismissed for failure to prosecute, and ordered appellant's reply by September 27, 2012.

Again, appellant did not respond to that order.

In summary, we issued an initial scheduling order, with which appellant did not comply. We have also issued one order asking appellant whether she would proceed with the litigation, warning her of the severe consequences of failing to respond to that order, and we have given her an opportunity, through our order to show cause, to avoid the consequence of a dismissal for failure to prosecute. Appellant has ignored those orders. It is abundantly clear that appellant has abandoned the appeal.

Decision

This matter is **DISMISSED FOR FAILURE TO PROSECUTE.**

ANTHONY S. BORWICK
Board Judge

We concur:

JERI K. SOMERS
Board Judge

R. ANTHONY McCANN
Board Judge