

UNITED STATES OF AMERICA
before the
COMMODITY FUTURES TRADING COMMISSION

Manken Cattle Company, Inc.
Complainant,

v.

ADM INVESTOR SERVICES, INC.,
Et al.,
Respondents.

CFTC Docket No. 02-R067

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ORDER OF DISMISSAL

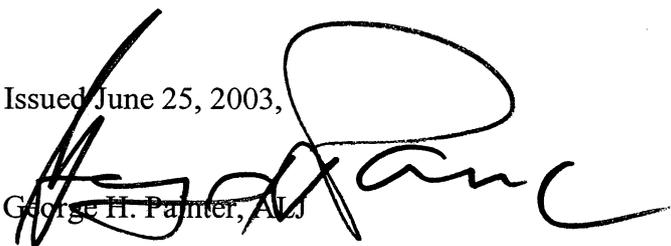
On June 4, 2003, this Court issued a Show Cause Order, prompted by Complainant's failure to file his pre-hearing memoranda and his failure to respond to Respondent's motion for summary disposition, dated May 21, 2003. Specifically, Complainant was ordered to (1) describe with clarity any act of wrongdoing by the Respondents in connection with the account at issue and (2) include the Complainant's prehearing memorandum with any response.

Complainant's response to the June 4, 2003, show cause order failed to consider the issues specifically addressed by this Court. Instead, counsel for complainant Manken requested an additional extension in time due to an ongoing medical condition. However, a rescheduled surgical procedure, occurring three weeks after the May 23, 2003, deadline for prehearing memoranda, does not justify complainant's failure to comply with that order.

Complainant has failed to comply with outstanding orders and to otherwise diligently prosecute his claim. Accordingly, the complaint is **DISMISSED** with prejudice.¹

So Ordered.

Issued June 25, 2003,


George H. Painter, ALJ

Charisma Hampton
Law Student Intern

¹ Inasmuch as Respondents' counterclaim for the debit of \$3,676.06 arises from the same transaction and losses about which the Complainant sought relief, a dismissal of this action necessarily prohibits any adjudication of that matter. However, Respondents are not barred from bringing a complaint for the amount of their counterclaim in another forum.