

SOAH DOCKET NO. 503-10-4580.MD

TEXAS MEDICAL BOARD,
 Petitioner,

V.

DAVID W. CARDWELL, M.D.,
 Respondent

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 9
 CANCELING PREHEARING CONFERENCE
 AND GRANTING MOTION TO DISMISS

On September 13, 2011, the administrative law judge (ALJ) issued Amended Order No. 8, setting a prehearing conference on September 26, 2011, to determine how the parties wished to proceed with this case. That same day, Staff filed a motion to dismiss the matter from the docket of the State Office of Administrative Hearings (SOAH). Although Staff's motion is **GRANTED** and the prehearing conference is **CANCELED**, the ALJ is concerned about the need for more timely communications in response to orders issued.

On July 18, 2011, Staff filed a same-day request for a continuance of a five-day hearing that had been scheduled in this case since August 3, 2010. The ALJ granted the request contingent on Staff's filing a motion to dismiss or status report by September 2, 2011. When Staff failed to meet that deadline, the ALJ scheduled the prehearing conference for September 26, 2011. Staff's subsequent motion to dismiss offered no explanation for its delay. SOAH has limited resources of ALJ time and hearing rooms. SOAH relies on every agency's compliance with its orders and rulings to promote an efficient use of state resources.

SIGNED September 14, 2011.



PAUL D. KEEPER
 ADMINISTRATIVE LAW JUDGE
 STATE OFFICE OF ADMINISTRATIVE HEARINGS