

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**BEFORE THE SECRETARY OF AGRICULTURE**

In re:	)	
	)	
Mark McDowell; Jim Joens;	)	AMA PPRCIA Docket No. 05-0001
Richard Smith; and the	)	
Campaign for Family Farms,	)	
including Iowa Citizens for	)	
Community Improvement,	)	
Land Stewardship Project,	)	
Missouri Rural Crisis Center,	)	
Illinois Stewardship Alliance, and	)	
Citizens Action Coalition of Indiana	)	
on behalf of their pork checkoff-	)	
paying hog farmer members,	)	
	)	
“Petitioners”	)	<b>Dismissal Without Prejudice</b>

[1] A letter dated March 2, 2005, on Farmers’ Legal Action Group, Incorporated (FLAG) letterhead, over the signature of Susan E. Stokes, Legal Director, addressed to the Secretary of Agriculture, has become the “Petition” in this case.

[2] The “Petition” identifies the following as “Petitioners”: Iowa hog farmer Mark McDowell, Minnesota hog farmers Jim Joens and Richard Smith, and the Campaign for Family Farms, including Iowa Citizens for Community Improvement, Land Stewardship Project, Missouri Rural Crisis Center, Illinois Stewardship Alliance, and Citizens Action Coalition of Indiana on behalf of their pork checkoff-paying hog farmer members.

[3] The “Petition” was filed with the Hearing Clerk, United States Department of Agriculture (“USDA”), on March 14, 2005. The Hearing Clerk docketed the case as AMA PPRCIA (Pork Promotion, Research, and Consumer Information Act) Docket No. 05-0001. The case was assigned to me on April 6, 2005.

[4] A Motion to Dismiss was filed on April 1, 2005, by the Administrator of the Agricultural Marketing Service, United States Department of Agriculture. The applicable Rules of Practice are found at 7 C.F.R. Part 1200, specifically 7 C.F.R. § 1200.52. For the reasons stated in the Motion to Dismiss, I find that the “Petition” should be and hereby is **dismissed, without prejudice**.

[5] Copies of this Dismissal shall be served by the Hearing Clerk upon “Petitioners” at the only address provided, that is, the address of Farmers’ Legal Action Group, Incorporated (FLAG), attention: Susan E. Stokes, Legal Director; and upon the Administrator of the Agricultural Marketing Service; **together with a copy of Respondent’s Motion to Dismiss filed April 1, 2005**. The Hearing Clerk shall notify “Petitioners” that any request for reconsideration of this Dismissal and any papers submitted in opposition to the Motion to Dismiss shall be filed with the Hearing Clerk within twenty (20) days of service.

Done at Washington, D.C.  
this 12<sup>th</sup> day of April 2005

Jill S. Clifton  
Administrative Law Judge

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