

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

CHARLES E. RASH, et al.,

Plaintiffs,

v.

**Civil Action No. 3:06-CV-5
(BAILEY)**

CHARLES TOWN RACES, et al.,

Defendants.

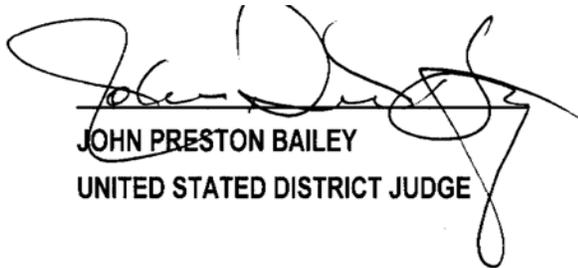
**ORDER DENYING PLAINTIFF'S MOTION TO HAVE THE COURT
SCHEDULE A PRETRIAL CONFERENCE**

The above-styled matter is now before the Court pursuant to plaintiff Charles Rash's Motion to Have the Court Schedule a Pretrial Conference [Doc. 96]. This civil action's *closed* docket indicates that the Fourth Circuit Court of Appeals dismissed this appeal for failure to prosecute pursuant to Local Rule 45. Accordingly, the plaintiff's motion [**Doc. 96**] is hereby **DENIED**.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this order to the *pro se* plaintiff and to all counsel of record herein.

DATED: January 16, 2008.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE