

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JOHN EAKIN

Plaintiff,

v.

AMERICAN BATTLE MONUMENTS
COMMISSION, et al.

Defendants.

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Civ. A. No. SA:12-cv-1002-FB-HJB

THIRD STATUS REPORT

Pursuant to this Court’s Order of August 12, 2014, defendants American Battle Monuments Commission, *et al.*, advise the Court of the following:

1. The Joint POW/MIA Accounting Command's Central Identification Laboratory (JPAC-CIL) has completed all its initial testing and analysis regarding the remains associated with Cabanatuan Common Grave 717 that were disinterred in the Manila America Cemetery.

2. Identification efforts continue at the Armed Forces DNA Identification Laboratory (AFDIL) in Delaware:

a. Osteological inventory and measurements, as previously reported, have been completed by JPAC-CIL and the Osteological inventory and measurements indicated a minimum of 11 individuals in the assemblage. Currently, AFDIL's mtDNA testing results supports the indication of a minimum of 11 individuals in the assemblage.

b. As previously noted, AFDIL's DNA analysis has determined that the remains are extensively commingled. However, since none of the 10 mtDNA references have

shared mtDNA profiles, the known mtDNA profiles, in combination with Y-DNA and au-DNA testing, should allow for segregation of the commingled remains.

c. DNA has been extracted from all of the 149 bone and teeth samples received at least once and, when possible, two or more times. As previously noted, it was determined that the bones associated with these cases were chemically treated with an embalming compound which has previously been shown to degrade the DNA within the samples. Once this was determined, the 10 samples originally provided to AFDIL by JPAC-CIL were re-extracted using more bone and the remaining 139 samples were processed using this procedure.

d. Six of the 10 original samples generated reportable, unique mtDNA profiles. Of these six samples, those that cannot be associated with known mtDNA reference profiles have also been tested using Y-DNA analysis. The remaining four samples of the original ten have been extracted multiple times and have been determined to be not reportable at this time.

e. Testing on the remaining 139 samples representing 10 individual cases is ongoing. Samples from some cases are generating results more readily than others. Several samples are currently in technical review and AFDIL anticipates that testing will be completed by December 15, 2014.

3. Once the CIL receives results from AFDIL, additional sorting of the commingled remains will re-commence, utilizing the AFDIL results, osteological sorting techniques, pair matching, and odontological analyses. Major elements that cannot be assigned to a specific individual will be selected for additional testing, or retesting. The process will continue until the commingled elements are sorted to scientific standards that will allow for identification.

4. There continues to be good progress in gathering Family Reference Samples (FRS) to support DNA testing. Currently, only two individuals associated with Cabanatuan Common Grave 717 do not have FRS at AFDIL (Private First Class Juan Gutierrez and Mr. George York). DoD has sent a DNA sample kit to relatives of Mr. York, but to date, the family has not returned any samples to AFDIL. DoD has not been able to identify any FRS prospects for Private First Class Gutierrez, but DoD continues to try to identify family members for the needed samples.

Respectfully submitted,

ROBERT PITMAN
United States Attorney

/s/ Susan Strawn
SUSAN STRAWN
Tex. Bar No. 19374330
Assistant United States Attorney
601 NW Loop 410, Ste 600
San Antonio, TX 78216
Attorneys for Defendants
Tel. (210) 384-7388
Fax (210)384-7312
SStrawn@usa.doj.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of November, 2014, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

John Eakin
Plaintiff *pro se*

/s/ Susan Strawn
SUSAN STRAWN
Assistant United States Attorney