

**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

FOURTH 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. As previously noted, it was determined that the skeletal material associated with these cases were chemically treated with an embalming compound, which has been shown to degrade the original DNA that was present in the skeletal material. In November, the Armed Forces DNA Identification Laboratory ("AFDIL") started to utilize a more sensitive extraction protocol that entails concentrating the DNA extracts obtained from the submitted skeletal material. The use of this sensitive extraction method, combined with concentrating the DNA extracts, has improved the success rate of DNA testing for certain difficult samples, which has led to additional work needing to be performed for these samples. Testing is ongoing and several samples are in technical review. Once the technical review for each sample is completed, the data summary results are emailed to

CIL immediately. The transmission of the data summary to JPAC-CIL may lead to a request for additional work or the generation of a comparison report.

3. All 149 bone and teeth specimens have been extracted and are in various stages of processing, review, and reporting.

a. AFDIL has sent Data Summary Reports for 22 of the 149 original samples submitted by JPAC-CIL.

i. 10 samples had reportable mtDNA sequence data;

ii. 12 samples did not yield any reportable mtDNA sequence data;

iii. JPAC-CIL has requested additional Low Copy Number Y-STR (LCN Y-STR) testing on 4 of the 10 samples that generated mtDNA sequence data. These samples are currently in initial review.

b. Three samples are in final review and data summary reports should be issued to JPAC-CIL by December 12, 2014.

c. Ten samples are in initial review, with final review and the issuance of a data summary to JPAC-CIL anticipated by December 19, 2014.

d. The extraction of two Armed Forces DNA Identification Laboratory re-submitted samples were initiated the week of December 1, 2014.

e. The remaining 114 samples are in progress, with additional work necessary to confirm initial results. Data summary reports will issue upon finalization of the review process.

i. The current estimate is that these specimens should be through their current stage of analysis by January 9, 2015.

ii. The transmission to JPAC-CIL of data summary reports for these specimens may lead to requests for additional work or the generation of a comparison report.

4. 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. At this time, as noted, only partial results have been received by the CIL from AFDIL. Major elements that cannot be assigned to a specific individual will be selected for additional testing, or retesting. This process will continue until the commingled elements are sorted to scientific standards that will allow for identification.

5. With respect to efforts to gather Family Reference Samples (FRS) to support DNA testing, as previously reported, AFDIL only lacks FRS for two individuals associated with Cabanatuan Common Grave 717. Efforts to obtain FRS for these individuals are ongoing. AFDIL anticipates that, in the near future, it should be able to secure a yDNA FRS for one of the individuals; with respect to the other individual, it may not be possible to obtain the needed sample due to inability to locate family members.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of December, 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*

And caused a copy to be sent, by certified U.S. Mail, to:

Sally Hill Jones
2661 Red Bud Way,
New Braunfels, Texas 78132

/s/ Susan Strawn
SUSAN STRAWN
Assistant United States Attorney