

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN EAKIN

Plaintiff,

v.

UNITED STATES
DEPARTMENT OF DEFENSE

Defendant

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Civil Action No. SA-16-CV-0972-RCL

ADVISORY TO THE COURT

Plaintiff John Eakin *pro se*, respectfully submits the following Advisory regarding this matter.

On August 2, 2017, this Court ordered the DoD to produce responsive A-L Individual Deceased Personnel Files (IDPFs) to Plaintiff on a semi-annual basis, with the final production due by February 1, 2021. See ECF No. 29, Mem. Op. at 17; ECF No. 30, Order at 2.

In the process of arranging the A-L files to facilitate access, Plaintiff has found certain anomalies in the number of files produced that appear suspect. Limited anecdotal observations with these files seems to confirm that the number of files produced to date may be incomplete.

Plaintiff's observations are summarized in the attached Exhibit 1, Declaration of John Eakin.

Plaintiff has no way to know how many files exist and should have been produced. In fact, it appears that neither does the government know what they have. Plaintiff has no information indicating that any files have been intentionally withheld and no negative inference should be taken from this analysis. It simply appears that the number of files produced does not follow the natural distribution of last initials and is in some cases significantly less than the number of files one would expect to find when compared with the number of WW2 deaths.

Plaintiff has conferred with counsel for Defendants and the discussions have failed to resolve the observed discrepancies.

Respectfully submitted,

/s/ John Eakin
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Certificate of Service

I hereby certify that on this the 9th day of March 2021, I electronically submitted the foregoing document for filing using the Court's CM/ECF system. All counsel of record will be served with a true and correct copy of the foregoing document by operation of the Court's CM/ECF system.

/s/ John Eakin
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