

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JOHN EAKIN,
Plaintiff,

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NO. SA-10-CA-0784-FB-NN

UNITED STATES DEPARTMENT OF
DEFENSE; ROBERT M. GATES,
Secretary of Defense,
UNITED STATES DEPARTMENT OF
THE ARMY, and JOHN McHUGH,
Secretary of the Army
Defendants.

ADVISORY TO THE COURT

COME NOW, Defendants, United State Department of Defense (“DOD”), Robert M. Gates, Secretary of Defense, United States Department of Army, and John McHugh, Secretary of the Army, by and through the United States Attorney for the Western District of Texas, advises the Court that on January 20, 2011, Defendants filed a document titled “Amended Answer to Plaintiff’s First Amended Complaint” (Docket Entry 14). The correct title for Docket Entry 14 should have read “Answer to Plaintiff’s First Amended Complaint” as Defendants had not previously filed an Answer to Plaintiff’s First Amended Complaint (Docket Entry 13).

Respectfully submitted,

JOHN E. MURPHY
UNITED STATES ATTORNEY

By: /s/ Dimitri N. Rocha
DIMITRI N. ROCHA
Assistant United States Attorney
Florida State Bar No. 693332
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216
Telephone: (210) 384-7396
Facsimile: (210) 384-7358
E-mail: Dimitri.Rocha@usdoj.gov
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Advisory to the Court was electronically filed via the Court's CM/ECF system and served by certified mail, return receipt requested on this 27th day of January, 2011, addressed as follows:

John Eakin, *Pro Se*
9865 Tower View Road
Helotes, Texas 78023

CMRRR 7179 1000 1642 5295 1581

/s/ Dimitri N. Rocha

DIMITRI N. ROCHA

Assistant United States Attorney