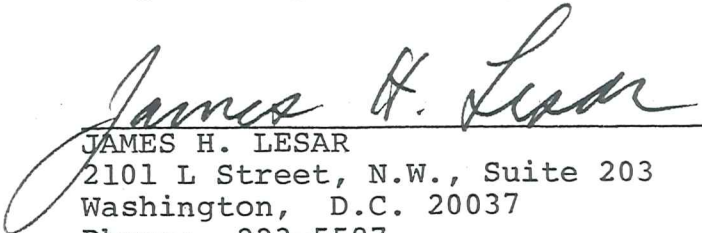


judicated all outstanding issues in this case." (Defendant's Memorandum of Points and Authorities, p. 1)

From the outset defendant has sought to delay and to deny plaintiff's access by whatever means possible. Defendant's tactics have been part of a calculated campaign to grind down plaintiff and his counsel, run up the costs of the case, and weary the Court. Because defendant has seized upon the Court's May 29 order as a pretext for continuing this campaign, and might still carry it further by appealing that order, plaintiff suggests that the Court may wish to vacate that order, then grant the Motion to Dismiss Pursuant to Rule 41(a)(2) which plaintiff is filing concurrently herewith, after first allowing defendant an opportunity to oppose said Motion to Dismiss on the merits. See Diamond v. United States, 267 F.2d 23 (5th Cir. 1959); Moore, Federal Practice and Procedure, § 41.05.

Respectfully submitted,


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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 13th day of July, 1981, mailed a copy of the foregoing Plaintiff's to Defendant's Motion for Reconsideration Or, In the Alternative, for Reopening of Action to Mr. William G. Cole, Civil Division, U.S. Department of Justice, Washington, D.C. 20530.


 JAMES H. LESAR