

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

DECISION

Application no. 73316/10
Mikhail Aleksandrovich PORTNOY
against Russia

The European Court of Human Rights (Third Section), sitting on 7 November 2017 as a Committee composed of:

Luis López Guerra, *President,*
Dmitry Dedov,
Jolien Schukking, *judges,*

and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 12 November 2010,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Mikhail Aleksandrovich Portnoy, is a Russian national, who was born in 1966 and lives in Tyumen. He was represented before the Court by Ms O.M. Tyzhnykh, a lawyer practising in Tyumen.

The applicant's complaints concerning quashing of the final judgments on the grounds of newly discovered circumstances were communicated to the Russian Government ("the Government"), who were represented by Mr G. Matyushkin, the Representative of the Russian Federation to the European Court of Human Rights, and then by his successor in that office, Mr M. Galperin.

The applicant failed to respond to the last Registry's letters of 27 June 2017: one addressed to his representative (received on 18 July 2017), and the second sent to the applicant's address (received back as "unclaimed item"), reminding him that the period allowed for submission of his observations in reply had expired on 27 March 2017 and that no extension of time had been requested. His attention was drawn to Article 37 § 1 (a) of the Convention.

THE LAW

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue his application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases.

Done in English and notified in writing on 30 November 2017.

Fatoş Aracı
Deputy Registrar

Luis López Guerra
President