

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES EX PARTE, JAMES F. KARLS,

ORDER

Petitioner,

02-C-0604-C

v.

U.S. DEPT. OF JUSTICE; MS. LYSTRA C. BLAKE
and ANY OTHERS INVOLVED; U.S. DEPT. OF STATE:
WARREN CHRISTOPHER, Assistant Legal Adviser; LAW
ENFORCEMENT & INTELLIGENT OFFICER ROBERT
W. HARRIS, KL OKEN/KNL; ARC/CEN; EFARNSWORTH
and all others involved; U.S. EMBASSY, Costa Rica; DIRK
HOFSCHIRE; BLANCO; and all others involved including
JOHN HAMILTON & CARLOS GARCIA: U.S. SECRETARY
OF HEALTH & HUMAN SERVICES THOMAS THOMPSON &
all others involved; U.S. PRESIDENTS GEORGE BUSH
and WILLIAM CLINTON,

CO-CONSPIRATORS:

WI. DANE COUNTY FIRST ASSISTANT DISTRICT ATTORNEY
JOHN BURR and all others involved; WI. DANE COUNTY
CIRCUIT COURT JUDGE C. WILLIAM FOUST (Former
Dane Co. 1st Dist. Atty. with Burr); & CIR. CT. JUDGE ANGELA
BARTELL; WI. ATTORNEY GENERAL JAMES DOYLE; ASS.
ATTY. GENERAL MICHAEL R. KLOS and all others involved;
WI. DANE COUNTY DETECTIVES CRAIG REIS & MELVIN
ZIEGLER and all others involved; FORMER WI. GOVERNOR
THOMPSON; GOVERNOR THOMPSON'S LEGAL COUNSEL
STEWART SIMONSON; DEPUTY COUNSEL JOHN BURCZYK
& KEVIN KEANE; WI. CLEMENCY PARDON ADVISORY
BOARD MEMBERS FROM 1994-2002; WI. DISTRICT IV

APPEALS COURT JUDGE DYKMAN, VERGERONT and all others;
and SUPREME COURT CHIEF JUSTICE SHERLEY S.
ABRAHAMSON; WI. STATE PUBLIC DEFENDER JACK R.
SCHAIRER; and other Public Defenders involved,
OTHERS; &

Respondents.

Petitioner has written to ask the court either to “hold this case in abeyance until other state court proceedings . . . are completed in their entirety” or to allow him to dismiss the case voluntarily without prejudice and to return the complaint to him. I am not inclined to allow petitioner’s case to sit idle in this court while he pursues litigation in state court. However, petitioner may dismiss it voluntarily and without prejudice pursuant to Fed. R. Civ. P. 41(a)(1), which provides:

. . .an action may be dismissed by the plaintiff without order of the court (1) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment. . . Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action based on or including the same claim.

In this case, the respondents have not yet answered or moved for summary judgment.

Although petitioner will be allowed to dismiss his case, I cannot return his complaint to him. There is only one copy of the complaint in petitioner’s file, which must be retained

as a part of the formal record of the case. The complaint is 103 pages long. If petitioner wishes to purchase a copy of the complaint for his records, he should renew his request and submit a check or money order made payable to the clerk of court in the amount of \$10.30, which will cover the copying cost at the rate of \$.10 a page.

ORDER

I accept petitioner's notice of voluntary dismissal and direct the Clerk of Court to close this file. Petitioner's request that the court return a copy of the complaint to him is DENIED, without prejudice to his submitting a renewed request along with a check or money order for \$10.30.

Entered this 26th day of December, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge