

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

ROBERT E. ALEXANDER,

Plaintiff,

v.

WEBCRAFTER'S, INC.,

Defendant.

ORDER

03-C-125-C

At a hearing held in this case on December 18, 2003, I allowed David Lasker to withdraw as plaintiff's counsel and directed Mr. Alexander to do one of three things no later than January 20, 2004:

1. Advise the court that he has retained new counsel and that new counsel has filed a notice of appearance with the court;
2. Advise the court that he has not been able to retain new counsel and will be prosecuting the case pro se; or
3. Advise the court that he will not continue to prosecute the case.

In an order dated December 19, 2003, I committed this oral direction to paper. In addition, I advised plaintiff that if he responded in the manner shown in (1) or (2) above,

I would set a scheduling conference in the case. I advised plaintiff that if he chose the third option, I would close this case, with prejudice, which means that plaintiff cannot file the same lawsuit again in the future.

Plaintiff has not responded in any manner to this court's directive.

Unfortunately, the court's record shows that the December 19 order was not mailed to plaintiff. Instead, the court's computerized docket created a mailing label for plaintiff's former lawyer, which is where the order was sent, and this discrepancy was not noted until today. However, plaintiff cannot claim that his failure to receive the December 19 order prejudiced him. All that order did was to set to paper the directive I gave plaintiff orally on December 18. Accordingly, I interpret plaintiff's silence as an indication that he is no longer interested in prosecuting this case.

Therefore, IT IS ORDERED that this case is DISMISSED, with prejudice.

Entered this 3rd day of February, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge