

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

THOMAS L. SCHROEDER,

Plaintiff,

v.

ORDER

03-C-0299-C

TONY GOTH,
MARK THOMPSON and
JON RYAN PETERSON,

Defendants.

In response to this court's order of February 12, 2004, plaintiff has filed a letter advising the court that he would like to proceed with his case, despite the fact that he does not have legal assistance and believes himself incapable of "adequately proceed[ing]". Alternatively petitioner appears to be asking again for dismissal without prejudice to his refiling his case after he has had an opportunity to search for a lawyer who may be willing to represent him.

In the February 12 order, I advised plaintiff that the interests of justice would not be served by a dismissal without prejudice, because defendants have invested a significant amount of time and money in defending this case. Therefore, I construe plaintiff's letter as a request to withdraw his notice of voluntary dismissal under Fed. R. Civ. P. 41 and I will

grant the request.

As noted in the February 12 order, plaintiff may have until March 5, 2004, in which to serve on opposing counsel and file with the court a brief, a response to defendants' proposed findings of fact, and evidentiary materials in opposition to defendants' motion for summary judgment. Defendants may have 10 days after service of the plaintiff's response in which to serve and file a reply. If plaintiff has difficulty understanding this court's procedures to be followed on motions for summary judgment, he should seek the assistance of another inmate at the Green Bay Correctional Institution or the legal law librarian to clarify any questions he has about the procedures.

ORDER

IT IS ORDERED that plaintiff's request to withdraw his notice of voluntary dismissal is GRANTED.

Entered this 23rd day of February, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge