

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

YING YANG and LIZHEN TAN,

Plaintiffs,

v.

MICHAEL CHERTHOFF, EMILIO T. GONZALEZ,
GERARD HEINAUER, ROBERT S. MULLER III
and MICHAEL B. MUKASEY,

Defendants.

ORDER

08-cv-77-bbc

Plaintiffs have notified the court that they are voluntarily dismissing this case. Because defendants have not yet filed an answer, plaintiffs do not need to obtain leave of court before dismissal. Fed. R. Civ. P. 41(a)(1)(A); see also Szabo Food Service, Inc. v. Canteen Corp., 823 F.2d 1073, 1078 (7th Cir. 1987) (Rule 41(a) "dismissal terminates the case all by itself").

Accompanying plaintiffs' notice of dismissal is a request for a refund of the \$350 filing fee. Unfortunately, as the name suggests, that fee is for filing the case. It cannot be refunded even if the case is dismissed at an early stage.

The clerk of court is directed to close this case.

Entered this 28th day of February, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge