

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

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EDWARD D. SWANK,

Petitioner,

v.

THE PEOPLE OF THE STATE  
OF WISCONSIN,

Respondent.  
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ORDER

11-cv-41-bbc

This case was closed for petitioner's failure to pay the \$2.43 initial partial filing fee by the April 14, 2011 due date. Now plaintiff has filed a submission titled motion to dismiss. This submission is somewhat confusing; plaintiff asks that this court "allow that this matter be disposed of. . . so that the defendant can continue with his current forwrd [sic] progress towrds [sic] release from incarceration." I construe plaintiff's submission to be a motion for a ruling on his petition for a writ of habeas corpus. Since this case is closed, his motion will be denied as moot. Because plaintiff's case was dismissed without prejudice, if plaintiff is able to make an initial partial payment in the future, or enough time elapses that a six-month trust fund account statement would show that plaintiff has no means to make

an initial partial payment, he may move to reopen this case.

Entered this 21st day of June, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge