

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

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DOLI SYARIEF PULUNGAN,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.  
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ORDER

11-cv-470-bbc

After plaintiff Doli Syarief Pulungan's conviction for conspiracy to violate the Arms Control Export Act, 22 U.S.C. § 2278 was overturned on appeal, he moved for a Certificate of Innocence to allow him to sue for damages he incurred as a result of spending 23 months in federal custody after his conviction until the issuance of the mandate on his successful appeal. Represented pro bono by the same lawyer who represented him at government expense in the criminal case, plaintiff prevailed in this court on his motion, but the Court of Appeals for the Seventh Circuit overturned the decision, finding that it was error for this court to have concluded that plaintiff's acts had not constituted an offense. The court of appeals left open the possibility that plaintiff could show his actual innocence by proving that he did not know that the riflescopes he had sought to export from the United States did not constitute a defense article and that he did not know of a need for an export license. Pulungan v. United States, 722 F.3d 983 (7th Cir. 2013).

A date was set for the new trial, but had to be postponed when plaintiff was unable to obtain a visa to come to this country from Indonesia for the hearing. Instead, plaintiff's counsel, still operating without any prospect of anything more than token remuneration for his time and costs, agreed with the government to travel to Indonesia to take plaintiff's deposition by video for use at a trial, now scheduled for December 10, 2014.

After the parties deposed plaintiff in Indonesia, plaintiff's counsel moved for leave to withdraw from his representation of plaintiff, citing irreconcilable differences between him and his client. In an order entered on November 26, 2014 and sent electronically to plaintiff as well as to his counsel and to the government, I directed plaintiff to advise the court no later than December 5, 2014, whether he had any objection to his counsel's motion to withdraw from representation of plaintiff. I told him also to advise the court how he intended to prosecute this case if his counsel was relieved of any obligation to represent him.

Plaintiff has not responded to the order. From his failure to respond, I conclude that he does not object to his counsel's request for leave to withdraw from representation of him. I conclude as well that he does not intend to pursue a Certificate of Innocence under 28 U.S.C. § 2513.

## ORDER

IT IS ORDERED that the motion for withdrawal of representation filed in this case by Gregory Everts, counsel for plaintiff Doli Syarief Pulungan is GRANTED. Further, IT IS ORDERED that this case is DISMISSED for plaintiff's failure to prosecute it or to

demonstrate any intention to do so.

Entered this 9th day of December, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge