

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

RICHARD HOEFT,

Plaintiff,

ORDER

v.

11-cv-390-wmc

DAVE SCHULTZ,

Defendant.

On September 5, 2013, the court entered an order advising plaintiff Richard Hoeft that he had until September 13, 2013, to advise the court whether he intends to pursue this lawsuit and warning him that the lawsuit would be dismissed without prejudice if he failed to respond by that date. (Dkt. #34.) That date has lapsed without any response from Hoeft. Instead, defendant Dave Schultz submitted a letter to the court requesting the dismissal be *with* prejudice “due to Hoeft’s previous litigation history and repeated disregard for court orders.” (Def.’s Letter (dkt. #35).) Accordingly,

ORDER

IT IS ORDERED that:

- 1) this lawsuit is dismissed without prejudice and without costs for plaintiff’s failure to prosecute; and
- 2) plaintiff Richard Hoeft has until September 26, 2013, to advise the court as to why his complaint should not be dismissed *with* prejudice in light of defendant’s request. If plaintiff fails to respond to this order by September 26, 2013, then the court will convert the dismissal of this lawsuit to a

dismissal with prejudice and close the case.

Entered this 19th day of September, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge