

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

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ROGER DALE GODWIN,

Plaintiff,

ORDER

v.

14-cv-368-wmc

RN KATHY, RN BONNIE,  
RN HELEN and DR. A. FATOKI,

Defendants.

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Plaintiff Roger Dale Godwin is an inmate in custody at the Sauk County Jail. He was granted leave to proceed *in forma pauperis* with his claim that he has been denied adequate medical care for a seizure disorder in violation of the Eighth Amendment. After refusing to appear at the pretrial scheduling conference last week, the court issued an order directing Godwin to show cause why this case should not be dismissed for want of prosecution pursuant to Fed. R. Civ. P. 41(b). (Dkt. # 16). Without providing any explanation for his refusal to appear, Godwin has now filed a motion to voluntarily dismiss this case.

When a motion for voluntary dismissal is filed after a defendant has filed an answer, Fed. R. Civ. P. 41(a)(2) provides that the action may be dismissed by the plaintiff “only upon order of the court and upon such terms and conditions as the court deems proper.” Defendants have advised that they do not oppose a dismissal without prejudice in this case. Accordingly, the court will grant Godwin’s motion and will dismiss this case without prejudice.

ORDER

IT IS ORDERED that Roger Dale Godwin's motion for voluntary dismissal (dkt. # 18) is GRANTED and this case is DISMISSED without prejudice.

Entered this 22nd day of July 2014.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge