

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

DAMIEN D. SMITH,

Plaintiff,

v.

CITY OF MADISON SPECIAL INVESTIGATION
UNIT (MEMBERS), NOBEL RAY,
DAVID MAHONEY, COREY NELSON,
SAMANTHA KELLOG, PAIGE VALENTA,
ART THURMER, DALLAS NEVILLE,
KENT HANSON, DIANE PASUAHIA,
CHRIS COLE, KELLY JACKSON,
MARCI PAULSEN, DON BATES,
RODNEY WILSON, ISMAIL OZANNE
and JOHN VAUDREUIL,

Defendants.

ORDER

15-cv-203-bbc

Pro se prisoner Damien Smith has filed a proposed complaint in which he challenges his treatment in the “Focused Deterrence Program” from 2011 to the present. He alleges that defendants “discriminated” against him, “harassed” him and “threatened” him.

In an order dated April 22, 2015, Magistrate Judge Peter Oppeneer concluded that plaintiff was indigent and assessed an initial partial payment of the filing fee in accordance with 28 U.S.C. § 1915. After receiving two extensions of time to make his initial partial payment, dkt. ##9 and 12, plaintiff filed a motion “to place [his] suit on hold and continue it at a later date.” Dkt. #13.

It is not this court's practice to stay a lawsuit indefinitely. Instead, I will give plaintiff two options. First, he may choose to voluntarily dismiss his case "without prejudice," which means that he would be free to refile the same lawsuit at a later date, so long as he complies with the statute of limitations. If plaintiff chooses this option, he will not be required to pay the filing fee for this lawsuit. Second, plaintiff may choose to make the initial partial payment and proceed with this case.

ORDER

IT IS ORDERED that plaintiff Damien Smith may have until August 24, 2015, to either (1) notify the court in writing that he wishes to dismiss his case without prejudice so that he may refile it at a later date; OR (2) make his initial partial payment of \$96.40. If plaintiff does not do either of those things by August 24, 2015, I will dismiss the case under Fed. R. Civ. P. 41 for plaintiff's failure to prosecute.

Entered this 10th day of August, 2015.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge