

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

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ROGER LEE WARREN,

Plaintiff,

v.

GERALD BERGE,

Defendant.

ORDER

02-C-0093-C

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After defendant moved for summary judgment in this case, plaintiff asked to dismiss the case voluntarily. In an order dated January 6, 2003, I advised plaintiff that because his case had progressed beyond defendant's filing of a motion for summary judgment, I would accept his notice of a voluntary dismissal only if he agreed that the dismissal would be with prejudice. I explained that a dismissal with prejudice would mean that the order dismissing the case would serve as a judgment on the merits in favor of defendant and that plaintiff would not be able to file another lawsuit against the same defendant for the acts complained of in this lawsuit. Given the serious consequences of a voluntary dismissal at this late stage of a lawsuit, I gave plaintiff until January 17, 2003, in which to withdraw his request and cautioned him that if he did not do so within the time allowed, I would accept his notice and

dismiss the case with prejudice. Plaintiff has not withdrawn his notice of voluntary dismissal.

ORDER

IT IS ORDERED that plaintiff's notice of voluntary dismissal of this action is accepted and this case is DISMISSED with prejudice. The clerk of court is directed to enter judgment of dismissal with prejudice in favor of the defendant.

Entered this 27th day of January, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge