

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

MACK D. HILL,

Plaintiff,

ORDER

v.

04-C-162-C

JON E. LITSCHER; CINDY
O'DONNELL; GERALD A. BERGE;
MICHAEL CATALANO;
PRISON HEALTH SERVICES, INC.;
PAM BARTELS; SHARON ZUNKER;
RENAE WALTZ; and G. BROUGHTON,

Defendants.

On July 9, 2004, this court held a telephonic preliminary pretrial conference on the record. Plaintiff Mack D. Hill appeared pro se. Defendants appeared by Assistant Attorney General Phillip D. Ferris.

At the hearing, plaintiff stated that he had mailed a letter to the court asking it to stay consideration of his case until he is released from incarceration. During the pretrial conference, plaintiff clarified that he actually is seeking dismissal without prejudice. Plaintiff is concerned that he does not have the resources to litigate this case properly while incarcerated so he does not wish to pursue it at this time, although he wishes to preserve his

right to refile his claim at a later date. Defendants, by counsel, responded that, at this early stage, they do not object to dismissal without prejudice.

Neither the court nor defendants' attorney have received plaintiff's letter yet. Upon receipt of the letter, the clerk of court should docket it as plaintiff's motion for dismissal without prejudice. In light of the defendants' acquiescence in the motion at today's hearing, the court then will grant the motion without further briefing from either side. That will dispose of the case for now.

The parties had no other matters to bring to the courts' attention.

Entered this 9th day of July, 2004.

BY THE COURT:

STEPHEN L. CROCKER
Magistrate Judge