

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

MACK D. HILL,

Plaintiff,

v.

JON E. LITSCHER and
GERALD A. BERGE,

Defendants.

ORDER

04-C-162-C

On July 9, 2004, Magistrate Judge Stephen Crocker held a telephonic pretrial conference in this case. At that time, plaintiff asked for permission to dismiss his case without prejudice. According to the magistrate judge's order of July 9, 2004, documenting the conference, defendants had no objection to plaintiff's voluntary dismissal without prejudice. However, the magistrate judge asked plaintiff to submit written notification of his decision to dismiss the case voluntarily. Plaintiff has not yet submitted such written notification. Nevertheless, I infer from plaintiff's silence that he has abandoned the prosecution of this action.

Therefore, IT IS ORDERED that unless, no later than August 4, 2004, plaintiff

advises this court that he intends to prosecute this action diligently, then I accept plaintiff's representation at the July 9, 2004 conference before the magistrate judge that he wishes to dismiss this case voluntarily, and the clerk of court is directed to enter judgment dismissing the case without prejudice.

Entered this 26th day of July, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge