

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

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AARON ANTIONE WILLIAMS,

Plaintiff,

v.

MARIE WADE and  
TONJA HESSELBERG,

Defendants.

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ORDER

04-C-905-C

In an order dated January 31, 2005, I granted plaintiff Aaron Antione Williams leave to proceed in forma pauperis on his claim that defendants violated his First Amendment rights to freely exercise the religion of his choosing and express himself freely by prohibiting him from keeping his hair in a particular style. At the time, plaintiff was incarcerated at the Prairie du Chien Correctional Institution in Prairie du Chien, Wisconsin. Subsequently, plaintiff participated in a preliminary pretrial conference held by telephone on March 31, 2005. However, according to the state's inmate locator system, plaintiff was released from prison sometime in February, 2005.

On August 11, 2005, defendants moved for summary judgment. The court

established a briefing schedule on the motion, giving plaintiff until August 31, 2005, in which to oppose the motion and defendants until September 12, 2005, in which to serve and file a reply. Plaintiff did not oppose the motion. Now, defendants have advised the court by letter dated September 6, 2005, that mail sent to plaintiff on August 19, 2005 at his last known address, 2436 North 50th St., Milwaukee, Wisconsin, has been returned to them marked "Return to Sender. Not Deliverable as Addressed, Unable to Forward." Oddly, nothing in the court's record of this case reveals that plaintiff changed his address with the exception of defendants' September 6 letter. Neither the magistrate judge's March 31, 2005 preliminary pretrial conference order nor the court's August 12, 2005 briefing schedule was returned to the court as undeliverable to plaintiff. Both were sent to plaintiff at the Prairie du Chien facility. Even the court's copy of defendants' August 19 letter shows that defendants mailed the letter to plaintiff at the Prairie due Chien Correctional Institution, not an address in Milwaukee.

Nevertheless, I accept defendants' representation in their letter, which has been confirmed by information in the inmate locator system, that plaintiff was released from prison in early 2005. At no time since his release has plaintiff informed the court of his new address. Plaintiff's failure to respond to defendants' motion for summary judgment together with his failure to keep the court and defendants informed about his whereabouts indicates that he is no longer interested in prosecuting this action. His clear lack of interest in the

outcome of the lawsuit suggests that any decision this court might render on the merits of defendants' motion for summary judgment would be merely advisory in nature. Under these circumstances, it is best to dismiss the case without prejudice for plaintiff's failure to prosecute. Defendants will not be prejudiced by this resolution of the case. If plaintiff were to ask at some later date that the case be reopened, they would not have to submit additional evidence to support their position.

Accordingly, IT IS ORDERED that this case is DISMISSED without prejudice for plaintiff's failure to prosecute.

Entered this 13th day of September, 2005.

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