

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

CHARLES C. SMITH,

Plaintiff,

v.

JO ANNE B. BARNHART,

Defendant.

MEMORANDUM

05-C-026-C

The parties have filed a joint motion for relief from judgment under Rule 60(b). After reviewing the motion and the supporting memorandum, I am inclined to grant the motion for relief from judgment.

Because the case is pending before the Court of Appeals for the Seventh Circuit, I will send a copy of this memorandum to the court with the request that the Court of Appeals remand the case for the purpose of modifying the judgment.

Entered this 3rd day of April, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge