

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

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THOMAS LEE ANDERSON,

Plaintiff,

v.

MEMORANDUM and ORDER  
07-C-212-S

THOMAS F. DUNNWALD, TIMOTHY J.  
OLIVER, FRANK J. MAGILL, JR.,  
DAVID J. SCHONE and JOHN R. TUNHEIM,

Defendants.

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Plaintiff commenced this civil action on April 12, 2007 by paying the filing fee. He entitled his compliant "Rule 27 Complaint for the Perpetuation of Testimony" but requests leave to amend to seek damages in tort. Defendants Frank J. Magill and John R. Tunheim have been previously dismissed.

The remaining defendants in the above entitled matter are private individuals. Defendant Thomas F. Dunwald and Timothy J. Oliver are attorneys. Defendant David J. Schone was a witness against plaintiff. Plaintiff is seeking evidence of crimes he believes have been committed by these three individuals. Since there is no pending case or controversy plaintiff lacks standing to sue defendants Thomas F. Dunwald, Timothy J. Oliver and David J. Schone.

By its own motion the Court will dismiss these defendants. Judgment will be entered in favor of the defendants against

plaintiff dismissing his complaint and all claims contained therein with prejudice.

ORDER

IT IS ORDERED that defendants Thomas F. Dunwald, Timothy J. Oliver and David J. Schone are DISMISSED.

IT IS FURTHER ORDERED that judgment is entered in favor of defendants against plaintiff DISMISSING his complaint and all claims contained therein with prejudice and costs.

Entered this 21<sup>st</sup> day of August, 2007.

BY THE COURT:

/s/

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JOHN C. SHABAZ  
District Judge