IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

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MALCOLM W. HOLLIMAN,

                                ORDER

                Plaintiff,

                             10-cv-443-bbc

     v.

JOHN PAQUIN and
CHAPLAIN KUHENS,

              Defendants.

- -

Plaintiff Malcolm Holliman was granted leave to proceed in forma pauperis against

defendants John Paquin and Chaplain Kuhens in an order entered on September 27, 2010.

Plaintiff alleged that defendants burdened his ability to practice his religion and gave

preferential treatment to Christians.

On November 8, 2010, defendants filed an answer to the complaint. On January 3,

2011, plaintiff filed a demand for discovery; three weeks later, the magistrate judge held the

pretrial conference in the case. Except for a notation on April 18, 2011 that plaintiff had

been released from custody and had a new address, the docket reveals nothing of any

significance until May 19, 2011, when defendants moved to dismiss the case for plaintiff's

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failure to appear at his deposition. Briefing was set on the motion but plaintiff filed no response.

Defendants have renewed their motion to dismiss the case for plaintiff's failure to prosecute it, arguing not only that plaintiff failed to appear for his deposition, but also that he has not responded to correspondence from defendants, has not notified defendants of his forwarding address and had not responded to the motion to dismiss. The motion will be granted. Plaintiff has done nothing to prosecute his case since the January pretrial conference. His failure to appear for his deposition or explain his failure for not appearing, his failure to respond to correspondence or his failure to notify the court and defendant of his forwarding address indicate that he is no longer interested in prosecuting his case.

ORDER

IT IS ORDERED that the motion for dismissal filed by defendants John Paquin and Chaplain Kuhens is GRANTED and this case is DISMISSED WITH PREJUDICE for plaintiff Malcolm W. Holliman's failure to prosecute it.

Entered this 27th day of June, 2011.

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

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