

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

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JERRY LEE LEWIS,

Petitioner,

v.

TIM HAINES,

Respondent.  
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ORDER

13-cv-122-bbc

On April 25, 2013 I directed petitioner Jerry Lee Lewis to advise the court by May 13, 2013 whether he wished the court to treat his pleading as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 or as a civil complaint under federal law. In response to the April 25 order, petitioner has filed a motion to voluntarily dismiss this case.

Fed. R. Civ. P 41(a)(1) allows a petitioner to dismiss an action voluntarily without prejudice by filing a notice of dismissal “at any time before service by the adverse party of an answer or of a motion for summary judgment,” or by stipulation of all the parties. Because the respondent has not yet filed an answer and has not had to engage in any briefing or discovery, I will grant petitioner’s motion and dismiss the case without prejudice. This means that the petitioner may file the claim at a later time.

ORDER

IT IS ORDERED that plaintiff Jerry Lee Lewis's motion to voluntarily dismiss this case, dkt. #14, is GRANTED. The clerk of court is directed to close this case.

Entered this 27<sup>th</sup> day of June, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge