

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

HORACE J. GRIFFIN,

Plaintiff,

v.

WARDEN WALLS, et al.,

Defendants.

No. 03-0061-DRH

ORDER

HERNDON, Chief Judge:

Now before the Court are two motions to dismiss filed by Plaintiff on January 20, 2009 (Docs. 140 & 141). Specifically, Plaintiff moves to dismiss his cause of action without prejudice because he is unable to locate witnesses to testify to the events regarding this litigation. That same day, Defendants filed a response stating that they have no objection to the dismissal of this cause of action without prejudice (Doc. 142). Accordingly, the Court **GRANTS** the motions. The Court **DISMISSES without prejudice** Plaintiff's cause of action and **CLOSES** the file.

IT IS SO ORDERED.

Signed this 21st day of January, 2009.

/s/ David R. Herndon

**Chief Judge
United States District Court**