WAGNER v. BURNS et al Doc. 41

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA INDIANAPOLIS DIVISION

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) Case No. 1:12-cv-01879-SEB-DML
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Entry Discussing Motion to Dismiss

The plaintiff wishes to voluntarily dismiss this action without prejudice. He hopes to retain counsel to assist him with this litigation after he is released from prison in six months. Although the defendants do not oppose the motion, the Court notes that the plaintiff's motion to dismiss appears to have an implied condition which the Court cannot *guarantee*, *i.e.*, that the plaintiff's claims, if refiled, would not be barred by the two-year statute of limitations. For this reason, the plaintiff's voluntary motion to dismiss [dkt. no. 39] is **denied.**

The plaintiff shall have **through February 14, 2014,** in which to either 1) file an unconditional motion to dismiss, or 2) state that he will proceed with this action.

IT IS SO ORDERED.

Data: 01/21/2014	Tarde Corous Barker
Date: 01/21/2014	SARAH EVANS BARKER, JUDGE
	United States District Court
Distribution:	Southern District of Indiana

Lonnie Wagner, 892519. New Castle Correctional Facility, Inmate Mail/Parcels, 1000 Van Nuys Rd., New Castle, IN 47362

All electronically registered counsel