

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**SHAKER M. AL-KHALIDI,**

**Plaintiff,**

**v.**

**Case No. 07-C-0740**

**ROBIN ROSCHE, CONNIE PRANGR,  
CINDY LOZANO, P.O. WACKOWIAK  
and TOMMY G. THOMPSON,**

**Defendants.**

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**DECISION AND ORDER**

A review of this file discloses that defendants filed motions for summary judgment on April 30, 2009. Court records indicate that copies of the motions and supporting briefs were mailed to plaintiff the same day. Under the applicable procedural rules, plaintiff's response to those motions should have been filed on or before May 30, 2009. See Civil L.R. 7.1 (E.D. Wis.). Court records show that plaintiff has not filed any response.

Defense counsel has advised the court that she was informed that plaintiff was deported to Iraq at the end of May, 2009. See Docket # 59. Deportation may have made it difficult for plaintiff to file a timely response brief. However, more than five months have passed since the deadline for plaintiff to respond, and since his apparent deportation. During this time, plaintiff has not requested an extension of time to respond, or advised the court of his new location. In fact, plaintiff has not filed anything at all with the court in over a year, as his last filing was a change of address notification filed October 16, 2008. See Docket # 42.

Accordingly,

**IT IS ORDERED** that this action is hereby dismissed with prejudice for lack of prosecution, **effective December 14, 2009**, unless plaintiff files a response to defendants' motions by that date. See Civil Local Rule 41.3 (E.D. Wis.) (copy enclosed) and Federal Rule of Civil Procedure 41(b).

**IT IS FURTHER ORDERED** that this order shall be mailed to the last address provided by plaintiff on October 16, 2008, as well as the more recent address provided by defendants on May 18, 2009. See Docket # 42 and # 58.

Dated at Milwaukee, Wisconsin, this 10 day of November, 2009.

/s\_\_\_\_\_

LYNN ADELMAN  
District Judge

### **Civil L.R. 41.3 Dismissal for Lack of Diligence**

Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party can petition for reinstatement of the action within 20 days.