

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

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**ANDREW M. OBRIECHT,**

**Plaintiff,**

**v.**

**Case No. 13-cv-642**

**EDWARD WALL,**

**Defendant.**

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**DECISION AND ORDER**

On September 8, 2015, defendant Edward Wall filed a motion for summary judgment. Under the applicable procedural rules, plaintiff's response to that motion was due October 8, 2015. Plaintiff did not file a timely response to defendant's motion, so on November 13, 2015, I ordered plaintiff to file a response by November 30, 2015, or face dismissal of his lawsuit based on his failure to prosecute the case. Plaintiff did not file a response to the defendant's motion.

**IT IS THEREFORE ORDERED** that this action is dismissed with prejudice for lack of prosecution, pursuant to Civil Local Rule 41(c) (E.D. Wis.) (copy enclosed) and Federal Rule of Civil Procedure 41(c). Plaintiff may establish just cause for his failure to respond within twenty-one days of this order.

Dated at Milwaukee, Wisconsin, this 7th day of December, 2015.

s/ Lynn Adelman

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LYNN ADELMAN  
District Judge

## **Civil L. R. 41(c) Dismissal for Lack of Diligence**

**(c) 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 may petition for reinstatement of the action within 21 days.