

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

DOUGLAS C. STAFFORD,

Plaintiff,

v.

GENEXEL-SEIN, INC.
d.b.a. KOREA TECHNOLOGY
INDUSTRY CO., LTD,

Defendant.

ORDER

09-cv-621-wmc

On October 9, 2009, plaintiff Douglas C. Stafford filed this civil action against defendant GenExel-Sein, Inc. d.b.a. Korea Technology Industry Co., Ltd (“KTIC”), a South Korean corporation, seeking payment of salary and other compensation for work performed here in Wisconsin in 2009 pursuant to a contract signed in December of 2007. The case has not progressed since because plaintiff Stafford is proceeding pro se and has found it difficult to accomplish service.

In a May 7, 2010 order, Stafford was given until May 20, 2010, to submit materials showing that his service upon an agent of Oilsand Technology, LLC, accomplished service upon defendant KTIC, as well as documents supporting his underlying claim in this action. Stafford has responded, stating that although he could provide the requested materials, he instead seeks voluntary dismissal of the case without prejudice. Dkt. #15.

Because KTIC has not yet filed an answer, Stafford does not need to obtain leave of court before dismissal. Fed. R. Civ. P. 41(a)(1)(A); *see also Szabo Food Service, Inc. v. Canteen Corp.*, 823 F.2d 1073, 1078 (7th Cir. 1987) (Rule 41(a) "dismissal terminates the case all by itself"). Therefore, Stafford is free to dismiss his case voluntarily, without prejudice to his refiling the complaint at a later date.

ORDER

IT IS ORDERED that plaintiff Douglas C. Stafford's notice of voluntary dismissal, dkt. #15, is ACCEPTED and this case is DISMISSED without prejudice to his filing a new lawsuit against defendant KTIC at a future time. The clerk of court is directed to close the case.

Entered this 20th day of May, 2010.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge