

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

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DALE W. STINE, JR.,

Plaintiff,

v.

U.S. POSTAL SERVICE -  
MERRILL OFFICE,

Defendant.

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ORDER

12-cv-264-wmc

On March 27, 2012, plaintiff Dale Stine, Jr. Filed an action against the United States Postal Service in the small claims court of Lincoln County, seeking \$5255.75 in damages on his claim that the Merrill Post Office had failed to deliver and then had damaged a package that Stine had attempted to mail. The Postal Service removed this case to federal court on April 11, 2012, then on May 29, 2012 filed a motion to dismiss the complaint for reasons stated in the supporting brief. *See* dkts. 5 and 7. The court's computer set July 2, 2012 as Stine's deadline to respond in opposition, and set a telephonic pretrial conference with Stine and the Postal Service's lawyer for July 26, 2012 at 1:00 p.m.

Stine did not file a response to the government's motion and he did not ask for an extension of time. Even so, the court was prepared to discuss this matter with Stine at the July 2, 2012 telephonic conference and give him a new deadline to respond. After all, Stine had filed a relatively simply small claims action and then the postal service made a federal case out of it. But Stine did not call in, nor did he contact the court or the government's attorney to indicate that he could not participate or to ask for a different date or time.

I will give Stine one more chance to demonstrate that he still is interested in pursuing this lawsuit. Stine has two weeks, until August 9, 2012, to submit a letter to the court reporting whether

he wishes to pursue this lawsuit. If Stine wishes to pursue this lawsuit, then the court will promptly reschedule the telephonic pretrial conference. If Stine does not respond by August 9, 2012, then the court will dismiss his lawsuit for failure to prosecute it.

Entered this 26<sup>th</sup> day of July, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge