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

MARVELLE BROWN,

Plaintiff,

ORDER

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12-cv-571-wmc

MARILYN SCHWAB,

Defendant.

In this action, plaintiff Marvelle Brown applied for and received a temporary restraining order from the Dane County Circuit Court due to alleged harassment by his co-worker, defendant Marilyn Schwab. Defendant, represented by the United States Attorney, removed this action pursuant to 28 U.S.C. § 1442(a)(1). Defendant filed a motion to dismiss on November 15, 2012 (dkt. #12), and the court set a briefing schedule requiring a response from plaintiff on or before December 11, 2012. The court sent a copy of defendant's motion to dismiss along with the briefing schedule to the address given to the court by plaintiff on September 18, 2012. As of the date of this order, plaintiff has not responded to the pending motion to dismiss or otherwise prosecute this action. Accordingly,

## ORDER

## IT IS ORDERED that:

- 1) this case is dismissed without prejudice for failure to prosecute;
- 2) defendant's motion to dismiss (dkt. #12) and motion to substitute party (dkt. #14) are DENIED AS MOOT; and

3) the clerk of the court is directed to close this case.

Entered this **L**ay of December, 2012.

BY THE COURT:

WILLIAM M. CONLEY District Judge