

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

PETER JOSEPHSON,

Plaintiff,

v.

J. DOWNING and JOHN DOE,

Defendants.

ORDER

16-cv-413-jdp

Pro se plaintiff Peter Josephson, a prisoner confined at the New Lisbon Correctional Institution, is proceeding on Eighth Amendment claims. He contends that defendant J. Downing, a correctional officer, sexually assaulted him during a urine test and that the Doe defendants, who are also correctional officers, failed to protect him from the assault.

Josephson now moves for a voluntary dismissal under Federal Rule of Civil Procedure 41(a)(2). Dkt. 30. He states that he wishes to dismiss the action without prejudice and that he “may want to re-file [his] complaint at a later date once [he is] released from prison.” *Id.* He also states that “[a]t this time [he is] finding it very difficult to effectively litigate and adequately represent [himself] in this case.” *Id.* Downing, the only defendant identified to date, does not object to a dismissal without prejudice. Dkt. 31. I will grant Josephson’s unopposed motion.

Josephson also has two other motions that are pending: a motion to compel discovery, Dkt. 22, motion for the court’s assistance in recruiting counsel, Dkt. 24. Because Josephson is voluntarily dismissing the action, I will deny those two motions as moot.

ORDER

IT IS ORDERED that:

1. Plaintiff Peter Josephson's motion for voluntary dismissal under Federal Rule of Civil Procedure 41(a)(2), Dkt. 30, is GRANTED.
2. This case is DISMISSED without prejudice.
3. Plaintiff's motion to compel discovery, Dkt. 22, is DENIED as moot.
4. Plaintiff's motion for assistance in recruiting counsel, Dkt. 24, is DENIED as moot.

Entered January 4, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge