

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MARSHA M. HULL,

Plaintiff,

v.

Case No. 05-1313-MLB

**INTERNATIONAL TRUCK & ENGINE
CORP.,**

Defendant.

ORDER

By Order filed June 27, 2006 (Doc. 11), the Court: (1) granted a Motion to Withdraw filed by Christopher P. Christian, who had appeared as counsel for Plaintiff in this action; (2) set out the deadlines in this case which had been established by the Scheduling Order dated January 5, 2006 (Doc. 5); (3) gave Plaintiff until August 21, 2006, to locate and retain new counsel; (4) suspended all of the deadlines in the Scheduling Order which had not already expired pending further order of the Court; (5) set a status conference for August 28, 2006 at 1:30 p.m. in Room 406 U.S. Courthouse, 401 North Market, Wichita, Kansas and directed that counsel and any unrepresented parties were to appear in person at the conference; and (6) noted that failure to appear at the conference may result in a request for sanctions against the non-appearing party, including possible dismissal of this case. A copy of the Order was served on Plaintiff by certified mail.

Shortly before the scheduled conference, Judge Monti L. Belot received a signed Journal Entry of Dismissal Without Prejudice signed by Plaintiff, Marsha M. Hull, *pro se*. This journal entry did not contain the approval of a counsel for Defendant, nor did it show that it had been mailed or otherwise delivered to Defendant's counsel.

Plaintiff did not appear at the scheduled conference on August 28, 2006, and the Court was unable to contact her at the telephone number shown on the docket sheet.

The Court will treat the proffered journal entry as an informal motion by Plaintiff to dismiss this case without prejudice. Defendants are hereby granted until **September 11, 2006** to respond to the motion to dismiss without prejudice; Plaintiff is then given fourteen (14) days after the service of any response within which to file any reply. Any response or reply shall not exceed ten (10) pages in length.

IT IS SO ORDERED.

Dated this 28th day of August, 2006, at Wichita, Kansas.

s/ Donald W. Bostwick
DONALD W. BOSTWICK
U.S. MAGISTRATE JUDGE