

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

KELLI OUTLAW,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACT. NO. 1:11cv901-CSC
)	(WO)
WORLD FINANCE CORPORATION,)	
)	
Defendant.)	

OPINION and ORDER

Now pending before the court is the plaintiff’s motion to dismiss filed on July 11, 2012.¹ See Doc. # 17. The plaintiff seeks to have this case voluntarily dismissed without prejudice. The Federal Rules of Civil Procedure permit a plaintiff to dismiss an action voluntarily only “by court order, on terms that the court considers proper” after the defendant has filed an answer or a motion for summary judgment, unless there is a stipulation signed by all the parties to the action. FED.R.CIV.P. 41(a)(1)(A)(i) and (ii). “A voluntary dismissal without prejudice is not a matter of right.” *Fisher v. Puerto Rico Marine Mgmt, Inc.* 940 F.2d 1502, 1502 (11th Cir.1991).

Because the defendant has filed an answer before the plaintiff filed her motion to dismiss, Outlaw cannot voluntarily dismiss her claims against World Finance Corporation without a stipulation filed by all the parties or an order from the court. The parties have not

¹ Pursuant to 28 U.S.C. § 636(c)(1) and M.D. Ala. LR 73.1, the parties have consented to the United States Magistrate Judge conducting all proceedings in this case and ordering the entry of final judgment.

