

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

DENNIS J. DIFFER,	)	
#236 916,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:11-CV-572-MHT
MICHAEL HOLLAND,	)	(WO)
	)	
Defendant.	)	

ORDER

Pending before the court is plaintiff's motion to dismiss the instant complaint. Pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i), "the plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Based on the foregoing and upon review of the file in this case, the court concludes that plaintiff's motion to dismiss should be granted and the complaint dismissed without prejudice.

Accordingly, it is ORDERED that:

1. Plaintiff's motion to dismiss (Doc. No. 17) is granted.
2. No costs are taxed.

3. An appropriate judgment will be entered.

Done, this 2nd day of November, 2011.

/s/ MYRON H. THOMPSON  
UNITED STATES DISTRICT JUDGE