

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

KATE HAWKINS WARREN,	)	
Administratrix of the Estate of Ronnie	)	
O’Neal Warren,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:12-cv-228-MEF
	)	(WO – Do Not Publish)
KENNY HARDEN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Before the Court is Plaintiff’s Motion for Voluntary Dismissal (Doc. #33), which the Court construes as a motion for an order of dismissal of Plaintiff’s claims against Defendants Kenny Harden (“Harden”) and Albert McKee (“McKee”), pursuant to Federal Rule of Civil Procedure 41(a)(2).

It is hereby ORDERED as follows:

- (1) Plaintiff’s Motion for Voluntary Dismissal (Doc. #33) is GRANTED.
- (2) Defendants Harden and McKee’s Motion to Dismiss for Failure to State a Claim (Doc. #27) is DENIED AS MOOT.
- (3) Plaintiff’s claims against Defendants Kenny Harden and Albert McKee are DISMISSED WITHOUT PREJUDICE, with each party to bear its own costs.

DONE this the 21<sup>st</sup> day of June, 2013.

\_\_\_\_\_  
/s/ Mark E. Fuller  
UNITED STATES DISTRICT JUDGE