

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

|                                   |   |                                  |
|-----------------------------------|---|----------------------------------|
| TROY DONNAHUE BRAZELTON, #2044)5, | ) |                                  |
|                                   | ) |                                  |
| Plaintiff,                        | ) |                                  |
|                                   | ) |                                  |
| v.                                | ) | CIVIL ACTION NO. 2:14-CV-824-WHA |
|                                   | ) | (wo)                             |
| ROBERT BENTLEY, et al.,           | ) |                                  |
|                                   | ) |                                  |
| Defendants.                       | ) |                                  |

**ORDER**

This civil action is pending before the court on a complaint with an attached signature page signed by the plaintiff, a state inmate, seeking relief under 42 U.S.C. § 1983 for alleged violations of his constitutional rights stemming from conditions of confinement at the Decatur Work Release Facility and systematic deficiencies in the operation of the work release program. He also challenges the federal constitutionality of the Alabama Constitution. Subsequently, and prior to service of the complaint, the plaintiff filed a document styled as a "Motion to Dismiss" in which he advises that he did not wish to file nor did he authorize the filing of any civil action and seeks dismissal of this case. *Doc. No. 5*. Accordingly, it is

ORDERED that the court construes this document as a Notice of Dismissal pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i), which permits voluntary dismissal by a plaintiff without action of the court upon "notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]" Additionally, in accordance with the

provisions of Fed.R.Civ.P. 41(a)(1)(B), "the dismissal is without prejudice."

The Clerk is DIRECTED to close this action.

Done this 26th day of September, 2014.

/s/ W. Harold Albritton  
SENIOR UNITED STATES DISTRICT JUDGE