

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

DEMETRIUS JERMAINE)	
HAWKINS,)	
)	
Petitioner,)	
)	CIVIL ACTION NO.
v.)	2:14cv1150-MHT
)	(WO)
UNITED STATES OF AMERICA,)	
et al.,)	
)	
Respondents.)	

OPINION AND ORDER

On November 5, 2014, petitioner Demetrius J. Hawkins filed a pro se pleading styled as a "Petition to Confirm Arbitration Award" (doc. no. 1), to which he attached various related exhibits. Because a reading of Hawkins's petition with the exhibits he submitted revealed he was asserting claims challenging the validity of his 2007 conviction in this court and his resulting 140-month sentence for conspiracy to possess with intent to distribute marijuana (see Case No. 2:06cr12), Hawkins's petition was docketed as a motion

to vacate, set aside, or correct sentence under 28 U.S.C. § 2255.

Hawkins has now filed a document he refers to as a "Notice of Rescission" (doc. no. 6), in which he states that he wishes to "rescind my filing for petition to confirm the arbitration award" and requests that his petition be dismissed without prejudice. Id. at 1. The court construes Hawkins's "Notice of Rescission" as a Notice of Voluntary Dismissal of Action under Fed. R. Civ. P. 41(a)(1).

Rule 41(a)(1)(A)(i) provides that a plaintiff may voluntarily 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." The named respondents have not filed an answer to Hawkins's original pleading, nor have they been directed to do so.

* * *

Accordingly, upon consideration of petitioner Demetrius Jermaine Hawkins's Notice of Voluntary

Dismissal of Action (doc. no. 6), it is ORDERED that this action is dismissed without prejudice by operation of Rule 41(a)(1).

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is closed.

DONE, this the 6th day of October, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE