

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

DRAPER SCOTT TERRY, #254 844,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:16-CV-291-WHA
	)	[WO]
WARDEN RICHIE, <i>et al.</i>	)	
	)	
Defendants.	)	

**ORDER AND FINAL JUDGMENT**

Plaintiff, a state inmate, filed this 42 U.S.C. § 1983 complaint on April 25, 2016. Prior to service of the complaint, Plaintiff filed a motion wherein he requests dismissal of this case. The court construes the motion as a Notice of Dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), which permits voluntary dismissal by a plaintiff “before the opposing party serves either an answer or a motion for summary judgment[.]” Under Fed. R. Civ. P. 41(a)(1)(B), such dismissal is “without prejudice.”

Accordingly, it is the ORDER, JUDGMENT, and DECREE of the court that this case is DISMISSED without prejudice pursuant to Plaintiff’s Notice of Dismissal. Doc. #4.

No costs are taxed.

The Clerk of Court is DIRECTED to furnish the account clerk at the Easterling Correctional Facility with a copy of this order.

The Clerk of 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 13th day of May 2016.

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