

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

ALBERT FLOWERS, JR., Reg. No. 23229-017,)
)
Plaintiff,)
)
v.) Civil Action No. 2:18cv98-WHA
) [WO]
WALTER WOODS, *et al.*,)
)
Defendants.)

ORDER

On July 2, 2018, Plaintiff submitted a document he styled as a “Motion Requesting Case be Dismissed” in which he indicates that he does not wish to pursue this civil rights action. (Doc. # 14.) The document is construed as Plaintiff’s notice of voluntary dismissal under Rule 41(a)(1) of the Federal Rules of Civil Procedure.

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.” Fed.R.Civ.P. 41(a)(1)(A)(i). Defendants have not served a responsive pleading or a motion for summary judgment. Based upon Plaintiff’s notice of voluntary dismissal (Doc. # 14), this action against Defendants has been dismissed without prejudice by operation of Rule 41(a)(1).

It is further ORDERED that the Magistrate Judge’s Recommendation of June 20, 2018 (Doc. # 13), is VACATED as moot.

The Clerk is DIRECTED to close this case.

DONE this 3rd day of July, 2018.

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