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

ROOSEVELT FINLEY, et al,)
Plaintiffs,))
v.) CIVIL ACT. NO. 3:15cv195-CSC
THE TOWN OF CAMP HILL, ALA.,) (WO)
Defendant.)

OPINION and ORDER

Now pending before the court is plaintiff Morris Greathouse's motion to dismiss pursuant to FED.R.CIV.P. 41(a)(2) filed on September 29, 2015. (Doc. # 28). Because the defendant has filed an answer and an amended answer, the plaintiff's motion for voluntary dismissal is no longer available to the plaintiff as of right, and is governed by the provisions of FED.R.CIV.P. 41(a)(2). "The basic purpose of Rule 41(a)(2) is to freely permit the plaintiff, with court approval, to voluntarily dismiss an action so long as no other party will be prejudiced." *LeCompte v. Mr. Chip, Inc.*, 528 F.2d 601 (5th Cir. 1976). After being given an opportunity, the defendant has not objected to the plaintiff's motion to dismiss. Accordingly, upon consideration of the motion and for good cause, it is

ORDERED that the plaintiff's motion to dismiss (doc. # 28) be and is hereby GRANTED, all claims brought by plaintiff Greathouse be and are hereby DISMISSED with prejudice, and plaintiff Greathouse be and is hereby DISMISSED as a party to this litigation.

Done this 15th day of October, 2015.

/s/Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE