

**IN THE UNITED STATES DISCTRICK COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

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|------------------------------------|---|----------------------------|
| CHARLES HICKS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No.: 2:16-cv-1122-JEO |
| |) | |
| FAMILY DOLLAR STORES OF |) | |
| ALABAMA, LLC, d/b/a Family Dollar, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION

In this action, Plaintiff Charles Hicks brings claims under state-law tort theories against Family Dollar Stores of Alabama, LLC and Realty Income Properties 29, LLC (collectively “Defendants”), based on an incident in which Plaintiff was shot during a robbery while he was shopping at a Family Dollar store in Tuscaloosa. (Doc. 1-1 at 3-7). Plaintiff originally filed the action in Alabama state court on June 8, 2016, and Defendants removed it to this court based on diversity one month later. (*id.*; Doc. 1). The parties have consented to an exercise of plenary jurisdiction by a magistrate judge pursuant to 28 U.S.C. § 636(c). (Doc. 7).

On June 28, 2017, both of Plaintiff’s retained attorneys filed respective motions to withdraw, each reciting that Plaintiff had given notice that he desired to

end the client-attorney relationship. (Docs. 11, 12). The court set those motions for a hearing, to be held on May 12, 2017, at 3:00 p.m., ordering that Plaintiff himself must also attend. (Doc. 13). On May 12, 2017, before the time set for the hearing, Plaintiff himself filed one-page letter document stating that he “[is] dropping the law suit.” (Doc. 14). The hearing on the motions to withdraw then proceeded as scheduled, with Plaintiff participating by phone. At that time, Plaintiff reiterated to the court that he did not wish to pursue his lawsuit. The court explained that a dismissal at this point would be with prejudice, meaning he would not be able to re-file his claims. Plaintiff stated that he understood, and he confirmed that he wanted the action to be dismissed.

Based on the foregoing, the court will treat Plaintiff’s one-page *pro se* filing of May 12th (Doc. 14) as a motion for a voluntary dismissal, pursuant to FED. R. CIV. P. 41(a)(2), and will grant such motion. The court will also moot the pending motions to withdraw (Docs. 11, 12). A separate final order will be entered.

DONE this 15th day of May, 2017.



JOHN E. OTT
Chief United States Magistrate Judge