

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
HELENA DIVISION**

**JACQUELINE D. KING**

**PLAINTIFF**

**v.**

**Case No. 2:13-cv-00175-KGB**

**UNIVERSITY OF ARKANSAS  
BOARD OF TRUSTEES**

**DEFENDANT**

**ORDER**

Before the Court is plaintiffs' motion for voluntary non-suit pursuant to Rule 41 of the Federal Rules of Civil Procedure (Dkt. No. 5). Plaintiff Jacqueline King moves to dismiss without prejudice all of her pending claims against defendant pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. Although defendant University of Arkansas Board of Trustees has filed a motion to dismiss (Dkt. No. 3), it has not filed an answer to Ms. King's complaint nor has it filed a motion for summary judgment. Therefore, voluntary dismissal is a matter of absolute right. *See, e.g., Foss v. Fed. Intermediate Credit Bank of St. Paul*, 808 F.2d 657, 660 (8th Cir. 1986) (holding that Rule 41(a)(1) must be applied literally) (citing *Carter v. United States*, 547 F.2d 258, 259 (5th Cir. 1977) ("As the plain terms of Rule 41(a)(1)(i) establish, a plaintiff has an absolute right to dismiss a lawsuit before the defendant has filed an answer or summary judgment motion.")). Ms. King's motion for voluntary non-suit is granted (Dkt. No. 5). The complaint and all claims therein are dismissed without prejudice. All other pending motions are denied as moot.

SO ORDERED this the 1st day of April, 2014.



Kristine G. Baker  
United States District Judge