IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

DALE B. ADAMS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**Case No. 11-3059-CV-S-RED**
	)	
TYSON FOODS, INC., et al.,	)	
	)	
Defendants.	)	

ORDER

Pending before the court is Plaintiff's Motion to Dismiss. Fed R. Civ. P. 41(a)(1)(A)(i) states:

> Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may 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."

Plaintiff filed his Motion to Dismiss on March 16, 2011. As of March 16, 2011, no opposing party had served either an answer or a motion for summary judgment in this matter on the electronic filing system. Further, neither Rules 23(e), 23.1(c), 23.2, 66, nor any applicable federal statute prevent Plaintiff from utilizing Rule 41, thus, Plaintiff's case may be dismissed pursuant to Rule 41.

Rule 41(a)(1)(B) sets forth the effects of a Rule 41(a)(1)(A)(i) dismissal and states: "Unless the notice or stipulation states otherwise, the dismissal is without prejudice." Nothing in the Plaintiff's motion suggests that the dismissal should be anything but without prejudice.

THEREFORE, this court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE.**

IT IS SO ORDERED.

DATE: August 15, 2011

/s/ Richard E. Dorr
RICHARD E. DORR, JUDGE
UNITED STATES DISTRICT COURT