

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

FRED HERMAN KOBIE, III,

Plaintiff,

v.

Case No: 2:12-cv-98-FtM-29DNF

JASON FITHIAN, Detective of Lee
County Sheriff Department and MIKE
SCOTT, Sheriff of Lee County Sheriff
Department,

Defendants.

ORDER¹

This matter comes before the Court on Plaintiff Fred Herman Kobie, III's Voluntary Dismissal Without Prejudice of Defendant Mike Scott ([Doc. #135](#)) filed on April 22, 2014. Under [Rule 41\(a\)\(2\) of the Federal Rules of Civil Procedure](#), "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." [Fed. R. Civ. P. 41\(a\)\(2\)](#). Here, Plaintiff voluntarily dismisses this action without prejudice as to his two claims against Defendant Mike Scott. He is not, however, seeking to dismiss his claims against Defendant Jason Fithian.

Accordingly, it is now

ORDERED:

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or Web sites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other Web sites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the Court has no agreements with any of these third parties or their Web sites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

This matter is **DISMISSED without prejudice** as to Counts II and IV of the Second Amended Complaint ([Doc. #65](#)). The Clerk of Court is directed to enter judgment accordingly and terminate Defendant Sherriff Mike Scott as a named defendant in this case.

DONE and **ORDERED** in Fort Myers, Florida this 28th day of April, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record