UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JOHN D. ARMSTRONG,

       Plaintiff,

v.   Case No: 2:13-cv-403-FtM-38UAM

LEE COUNTY, FLORIDA PORT
AUTHORITY,

       Defendant.
_____/

ORDER[1]

This matter comes before the Court on Notice of Voluntary Dismissal (Doc. #10)

filed on November 19, 2013. Federal Rule of Civil Procedure 41(a)(1)(A), allows a plaintiff

to dismiss a case without a court order. The Rule reads in pertinent part:

> Subject to Rules 23(e), 23.1, 23.2 and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:
> (i)   A notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or
> (ii)   A stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A).

In this instance, Plaintiff files a notice of voluntary dismissal without prejudice.

Defendant has not appeared in this case.

Accordingly, it is now

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ORDERED:

(1) This cause is **DISMISSED without prejudice**.

(2) The Clerk of the Court is directed to CLOSE the case, terminate any pending

motions and enter judgment accordingly.

DONE and **ORDERED** in Fort Myers, Florida this 20th day of November, 2013.

SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record