

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TCYK, LLC,

Plaintiff,

v.

Case No: 2:13-cv-643-FtM-38DNF

DOE 24,

Defendant.

ORDER¹

This matter comes before the Court on Plaintiff's Voluntary Notice of Dismissal with Prejudice ([Doc. #10](#)) filed on March 10, 2014. [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 indicates to the Court it has dismissed this matter with prejudice. Plaintiff has not served Defendant in this matter; and accordingly, Defendant

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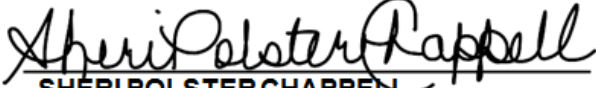
has not served either an answer or a motion for summary judgment. Therefore, this matter is dismissed pursuant to [Rule 41\(a\)\(1\)\(A\)\(i\)](#).

Accordingly, it is now

ORDERED:

- (1) This cause is **DISMISSED with 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 11th day of March, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record