

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

THE PROVIDENT BANK,

Plaintiff,

v.

Case No: 2:14-cv-230-FtM-38CM

WILLIAM J. FENWICK,

Defendant.

ORDER¹

This matter comes before the Court on Plaintiff's Notice of Voluntary Dismissal without Prejudice ([Doc. 4](#)) filed on June 12, 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\(a\)\(1\)\(A\)](#).

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In this instance, Plaintiff files this notice pursuant to [Rule 41\(a\)\(1\)\(A\)\(i\)](#). Defendant has not filed an answer or motion for summary judgment. Plaintiff indicates that this dismissal is without prejudice.

Accordingly, it is now

ORDERED:

Plaintiff's Complaint ([Doc. 1](#)) is **DISMISSED without prejudice**. The Clerk is directed to close the case, terminate any pending motions, and enter judgment accordingly.

DONE and **ORDERED** in Fort Myers, Florida this 12th day of June, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record