

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KEVIN THORESEN,

Plaintiff,

v.

Case No: 2:14-cv-472-FtM-38DNF

NATIONAL NOTE OF UTAH, LC,
CITY OF FORT MYERS, BOARD OF
COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA,
INTERNAL REVENUE SERVICE,
LARRY FRYE, DONALD PITTS,
ANNA PITTS, JNP A-YACHT, LP,
TORUN INVESTMENTS, LLC,
LINDA DOGGETT, UNKNOWN
OCCUPANTS and ANY AND ALL
UNKNOWN PARTIES CLAIMING
BY, THROUGH, UNDER, AND
AGAINST THE HEREIN NAMED
INDIVIDUAL DEFENDANT(S) WHO
ARE NOT KNOWN TO BE DEAD
OR ALIVE, WHETHER SAID
UNKNOWN PARTIES MAY CLAIM
AN INTEREST,

Defendants.

ORDER¹

This matter comes before the Court on Notice of Voluntary Dismissal ([Doc. #6](#)) filed on August 29, 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:

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.

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\(a\)\(1\)\(A\)](#).

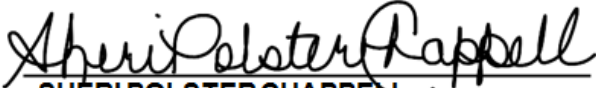
In this instance, Plaintiff filed a notice of voluntary dismissal without prejudice. Defendants have not filed their respective answers or motions for summary judgment. Therefore, this matter is dismissed without prejudice pursuant to [Rule 41\(a\)\(1\)\(A\)\(i\)](#).

Accordingly, it is now

ORDERED:

The Complaint ([Doc. #2](#)) is **DISMISSED without prejudice**. The clerk is directed to terminate any pending motions, close the file, and enter judgment accordingly.

DONE and **ORDERED** in Fort Myers, Florida this 2nd day of September, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record