

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

POPLAR OAKS, INC.,

Plaintiff,

v.

Case No: 2:14-cv-691-FtM-38DNF

JOHN DOE,

Defendant.

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**ORDER**<sup>1</sup>

This matter comes before the Court on Plaintiff's Notice of Voluntary Dismissal without Prejudice of John Doe ([Doc. #14](#)) filed on March 12, 2015. [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 Poplar Oaks, Inc. dismisses this action without prejudice. Defendant John Doe has not filed an answer or motion for summary judgment. As a result, this matter is due to be dismissed pursuant to [Rule 41\(a\)\(1\)\(A\)\(i\)](#).

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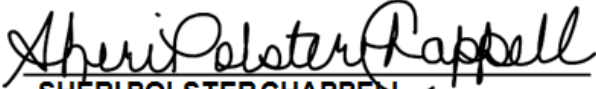
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Accordingly, it is now

**ORDERED:**

Pursuant to Plaintiff's Notice of Voluntary Dismissal without Prejudice of John Doe ([Doc. #14](#)) and [Rule 41\(a\)\(1\)\(A\)\(i\)](#), the Complaint ([Doc. #1](#)) is **DISMISSED without prejudice**. The Clerk is directed to terminate any pending motions, enter judgment, and close the case.

**DONE** and **ORDERED** in Fort Myers, Florida this 16th day of March, 2015.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record