

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

POPLAR OAKS, INC.,

Plaintiff,

v.

Case No: 2:14-cv-692-FtM-38DNF

JOHN DOE,

Defendant.

ORDER¹

This matter comes before the Court on Plaintiff's Notice of Voluntary Dismissal without Prejudice of John Doe ([Doc. #14](#)) filed on January 6, 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. indicates this matter is dismissed without prejudice. Defendant John Doe has not filed an answer or motion for summary judgment. Therefore, this matter is due to be dismissed pursuant to [Rule 41\(a\)\(1\)\(A\)\(i\)](#).

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Accordingly, it is now

ORDERED:

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 6th day of January, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record