

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

THE PROVIDENT BANK,

Plaintiff,

v.

Case No: 2:15-cv-18-FtM-38CM

JOSEPH A. BORCI, and REBECCA
A. BORCI,

Defendants.

ORDER¹

This matter is before the Court on Plaintiff Provident Bank's Notice of Voluntary Dismissal Without Prejudice ([Doc. #14](#)) filed on March 26, 2015. [Rule 41\(a\)\(1\)\(A\) of the Federal Rules of Civil Procedure](#) allows a plaintiff to dismiss a case voluntarily without a court order. [Rule 41\(a\)\(1\)\(A\)](#) reads, in pertinent part, that

[s]ubject 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 voluntarily dismisses the Complaint ([Doc. #1](#)) under [Rule 41\(a\)\(1\)\(A\)\(i\)](#). ([Doc. #14](#)). Defendants Joseph A. Borci and Rebecca A. Borci have not

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filed an answer or a motion for summary judgment. The Court, therefore, dismisses the case without prejudice.

Accordingly, it is now

ORDERED:

(1) Plaintiff Provident Bank's Notice of Voluntary Dismissal Without Prejudice ([Doc. #14](#)) is **GRANTED**.

(2) The Clerk of the Court is **DIRECTED** to enter judgment accordingly, terminate any pending motions, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 27th day of March, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record