

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ROGER WINDEY,

Plaintiff,

v.

Case No: 2:15-cv-24-FtM-38CM

CAPITAL BANK FINANCIAL CORP.,

Defendant.

ORDER¹

This matter comes before the Court on the Plaintiff Roger Windey's Notice of Voluntary Dismissal with Prejudice ([Doc. #6](#)) filed on February 11, 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:

A notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

A stipulation of dismissal signed by all parties who have appeared.

[Fed. R. Civ. P. 41\(a\)\(1\)\(A\)](#).

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.


In this instance, the Plaintiff informs the Court that he voluntarily dismisses the Complaint with prejudice. No answer or summary judgment has been filed, and no evidence that the Defendant was ever served has been filed with the Court. Although this is an FLSA case, the Plaintiff does not state the case was settled so there is no settlement agreement for the Court to review. Therefore, the case is due to be dismissed with prejudice.

Accordingly, it is now

ORDERED:

The Plaintiff Roger Windey's Notice of Voluntary Dismissal with Prejudice ([Doc. #6](#)) is **GRANTED**. The case is hereby **DISMISSED** with prejudice. 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 24th day of March, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record