

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

LANDMARK AMERICAN INSURANCE  
COMPANY,

Plaintiff,

v.

Case No: 2:16-cv-582-FtM-99CM

NORTH CAPTIVA ISLAND CLUB,  
INC., JAKE SHALLOW, JANE DOES  
1 and 2,

Defendants.

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

This matter comes before the Court on Plaintiff's Response to this Court's Order to Show Cause ([Doc. #52](#)) directing Plaintiff to show cause why this case should not be dismissed as to Defendant Jake Shallow for failure to file a motion for clerk's default. Plaintiff states that the complaint in the underlying lawsuit no longer names Jake Shallow as a Defendant; therefore, Plaintiff requests that Jake Shallow be dismissed from this action without prejudice. The Court will construe the Response as a notice of voluntary dismissal of Defendant Jake Shallow.

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[Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)\(i\)](#) allows a plaintiff to dismiss an action voluntarily before the opposing party serves either an answer or a motion for summary judgment. This dismissal is effective upon filing and requires no further action by the Court. See [Anago Franchising, Inc. v. Shaz, LLC, 677 F.3d 1272, 1278 \(11th Cir. 2012\)](#). Therefore, in compliance with Rule 41(a), this action against Defendant Jake Shallow is dismissed without prejudice. Finding no cause for delay, the Court will direct the Clerk to enter judgment accordingly but this case will remain open as to the other Defendants.

Accordingly, it is now

**ORDERED:**

The Clerk is directed to enter judgment dismissing Defendant Jake Shallow without prejudice and terminate Shallow as a party-defendant on the docket.

**DONE** and **ORDERED** in Fort Myers, Florida this 31st day of March, 2017.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record