

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

NATHANIEL R. BRAZILL,

Plaintiff,

v.

Case No: 2:17-cv-394-FtM-38UAM

ALLEN DEAN PETERSON and
JASON KING,

Defendants.

OPINION AND ORDER¹

Before the Court is Plaintiff's Notice of Voluntary Dismissal Without Prejudice ([Doc. 54](#)) filed April 3, 2019. Plaintiff, who has pending a civil rights action, seeks to voluntarily dismiss this action without prejudice. *Id.*

Prior to an answer or motion for summary judgment by the opposing party or upon stipulation, a party may voluntarily dismiss an action without a court order. [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)](#). Otherwise, an action may be dismissed upon the plaintiff's request by court order. [Fed. R. Civ. P. 41\(a\)\(2\)](#). Because Defendant Peterson has filed an Answer ([Doc. 36](#)), the Court construes the Notice as a motion brought pursuant to [Fed. R. Civ. P.](#)

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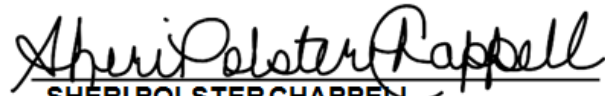
41(a)(2). Plaintiff advises the Court that he has conferred with counsel for Defendants and Defendants have no objection to the voluntary dismissal. [Doc. 54 at 1](#).

Accordingly, it is now

ORDERED:

Plaintiff's Notice ([Doc. 54](#)) construed as a motion pursuant to [Fed. R. Civ. P. 41\(a\)\(2\)](#) is **GRANTED** and the Clerk shall enter judgment dismissing this case without prejudice, terminate any pending motions and deadlines, and close this case.

DONE and **ORDERED** in Fort Myers, Florida this 5th day of April 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1
Copies: All Parties of Record