

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANDREENE ALETHEA BECKFORD,

Petitioner,

v.

Case No: 2:18-cv-117-FtM-38CM

DAVID HARDIN, MARC MOORE,
JIM MARTIN, MICHAEL MEADE,
MATTHEW T ALBENCE, THOMAS
HOMAN, KIRSTJEN M. NIELSEN
and JEFFERSON B. SESSIONS,

Respondents.

OPINION AND ORDER¹

This matter comes before the Court on Petitioner's Notice of Voluntary Dismissal ([Doc. 10](#)) filed on March 26, 2018. Petitioner, who has pending an Amended Petition for Writ of Habeas Corpus ([Doc. 5](#)), seeks to voluntarily dismiss the above-captioned matter due to The Department of Homeland Security releasing Petitioner from custody on or about March 21, 2018.

In relevant part, Rule 41(a) (1), provides that a plaintiff may dismiss an action without a court order "by filing a notice of dismissal before the opposing party serves an

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answer or a motion for summary judgment. . . .” [Fed. R. Civ. P. 41\(a\) \(1\) \(A\) \(i\)](#).² Respondents have not yet filed a response to the Amended Petition for Writ of Habeas Corpus. Case law holds that “notices of dismissal allowed for under Rule 41(a) (1) (A) (i) are effective upon filing.” [Anago Franchising, Inc. v. Shaz, LLC, 677 F.3d 1272, 1278 \(11th Cir. 2012\)](#). Consequently, the Court acknowledges Petitioner’s Notice of Voluntary Dismissal ([Doc. 10](#)) pursuant to [Fed. R. Civ. P. 41\(a\) \(1\) \(A\) \(i\)](#).

Accordingly, it is hereby **ORDERED**:

The **Clerk of the Court** shall dismiss this case **without prejudice**, terminate any pending motions, and close this case.

DONE and **ORDERED** in Fort Myers, Florida this 29th day of March, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1
Copies: All Parties of Record

² Habeas Corpus Rule 11 permits application of the Federal Rules of Civil Procedure to habeas proceedings “to the extent that they are not inconsistent with any statutory provisions or [the habeas] rules.” Rules Governing Section 2254 Cases in the United States District Courts, R. 11.