

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**CAROL JOHANSSON,**

**Plaintiff,**

**-vs-**

**Case No. 6:09-cv-2053-Orl-19KRS**

**MICHAEL TROUP EMMONS,**

**Defendant.**

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**ORDER**

This case comes before the Court on the following:

1. Motion to Dismiss Amended Complaint by Defendant Michael Troup Emmons (Doc. No. 19, filed Apr. 5, 2010);
2. Amended Motion to Dismiss Amended Complaint by Defendant Michael Troup Emmons (Doc. No. 22, filed Apr. 14, 2010);
3. Opposition to Defendant's Motion to Dismiss Amended Complaint by Plaintiff Carol Johansson (Doc. No. 25, filed Apr. 27, 2010); and
4. Notice of Voluntary Dismissal by Plaintiff Carol Johansson (Doc. No. 28, filed Apr. 29, 2010).

**Analysis**

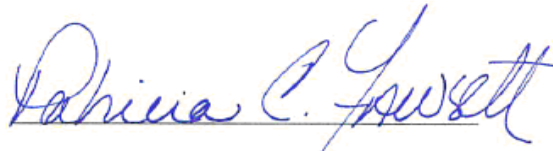
Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, a plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves an answer or a motion for summary judgment. On April 29, 2010, Plaintiff Carol Johansson filed a Notice of Voluntary Dismissal. (Doc. No. 28.) As of that date, Defendant Michael Troup

Emmons had not served an answer<sup>1</sup> or a motion for summary judgment. Accordingly, this case is dismissed without prejudice.

### **Conclusion**

Based on the foregoing, it is **ORDERED** and **ADJUDGED** that this case is **DISMISSED without prejudice**. The Motion to Dismiss Amended Complaint (Doc. No. 19) and Amended Motion to Dismiss Amended Complaint by Defendant Michael Troup Emmons (Doc. No. 22) are **DENIED as moot**. The Clerk of Court is directed to close this case.

**DONE** and **ORDERED** in Chambers in Orlando, Florida on May 19, 2010.



PATRICIA C. FAWSETT, JUDGE  
UNITED STATES DISTRICT COURT

Copies furnished to:

Carol Johansson  
Counsel of Record

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<sup>1</sup> On January 15, 2010, Emmons erroneously filed a Motion to Dismiss as an Answer in the Court's electronic filing system. (Doc. No. 9.) The Clerk of Court notified Emmons of this error, and the Motion to Dismiss was properly filed that same day. (Doc. No. 10.)