

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

WILLIE YOUNG,

Plaintiff,

v.

CASE NO. 1:11-cv-205-MP-GRJ

ALACHUA COUNTY JAIL,

Defendant.

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**ORDER**

This matter is before the Court on Plaintiff's Motion To Dismiss Without Prejudice. (Doc. 19.) Pursuant to Fed. R. Civ. P. 41(a)(1), a 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. Such a dismissal is without prejudice unless the notice states otherwise or the plaintiff has previously dismissed any federal or state court action based on or including the same claim. FED. R. CIV. P. 41(a)(1)(B).

The Defendant in this case has not been served. It also does not appear Plaintiff has previously dismissed any federal or state court action based on or including the same claim.

Accordingly, it is hereby **ORDERED** that:

1. Plaintiff's Motion To Dismiss Without Prejudice (Doc. 19) is **GRANTED**.
2. Pursuant to Fed. R. Civ. P. 41(a)(1)(B), this case is **DISMISSED WITHOUT PREJUDICE**.

3. The Clerk is instructed to close the file.

**DONE AND ORDERED** this 23<sup>rd</sup> day of March 2012.

*s/ Gary R. Jones*

GARY R. JONES  
United States Magistrate Judge