

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

JASON HOLCOMBE,

Plaintiff,

v.

CASE NO.: 1:12cv235-SPM/GRJ

ACCRETIVE HEALTH INC., a
Delaware Corporation d/b/a
Medical Financial Solutions,

Defendant.

_____ /

ORDER OF DISMISSAL

This cause comes before the Court upon Plaintiff's Notice of Voluntary Dismissal (doc. 5). Defendant has not filed either an answer to the Plaintiff's Complaint or a motion for summary judgment. Therefore, Plaintiff is entitled to a voluntary dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). See *also*, Matthews v. Gaither, 902 F.2d 877, 880 (11th Cir.1990) ("It is well established that Rule 41(a)(1)(i) grants a plaintiff an unconditional right to dismiss his complaint by notice and without an order of the court at any time prior to the defendant's service of an answer or a motion for summary judgment."). Further, a plaintiff's Notice of Dismissal pursuant to Federal Rule of

Civil Procedure 41(a)(1)(A)(i) is effective immediately upon the filing. Id.

Accordingly, it is

ORDERED AND ADJUDGED that this case is dismissed. The clerk shall close this case.

DONE AND ORDERED this 20th day of November, 2012.

S/ Stephan P. Mickle

Stephan P. Mickle
Senior United States District Judge