

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

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Case No. 3:08cv512/LAC/EMT

IVNOLA PHILLIPS,
Defendant.

_____ /

REPORT AND RECOMMENDATION

This cause is before the court upon Plaintiff’s Motion to Dismiss (Doc. 19).

Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure provides that an action may be dismissed without an order of the court by filing a notice of dismissal at any time before the adverse party serves an answer or files a motion for summary judgment. Because Defendant has served neither an answer nor a motion for summary judgment, Plaintiff is automatically entitled to a voluntary dismissal at this time.

Accordingly, it is respectfully **RECOMMENDED**:

That Plaintiff’s “Motion to Voluntarily Dismiss” (Doc. 19) be **GRANTED** and this case be **DISMISSED without prejudice**.

At Pensacola, Florida, this 14th day of December 2010.

/s/ Elizabeth M. Timothy _____
ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

Objections to these proposed findings and recommendations may be filed within fourteen (14) days after being served a copy thereof. Any different deadline that may appear on the electronic docket is for the court's internal use only. A copy of objections shall be served upon the magistrate judge and all other parties. Failure to object may limit the scope of appellate review of factual findings. See 28 U.S.C. § 636; United States v. Roberts, 858 F.2d 698, 701 (11th Cir. 1988).