

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA FLORIDA

BRENDA ROUGHTON,

Plaintiff,

vs.

CASE NO.: 3:09cv313/MCR/MD

SCHOOL BOARD OF
ESCAMBIA COUNTY,

Defendant.

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ORDER

This matter is before the undersigned on plaintiff's Notice of Voluntary Dismissal Without Prejudice. (Doc. 75). The Federal Rules of Civil Procedure provide that an action may be dismissed by the plaintiff upon filing a notice of voluntary dismissal at any time before an adverse party has filed an answer or a motion for summary judgment. Fed.R.Civ.P. 41(a)(1)(i). As the defendant has previously filed an answer in this cause, as well as a pending motion for summary judgment, dismissal may not be effected upon plaintiff's notice. Pursuant to Rule 41(a)(1)(ii), plaintiff may file a stipulation for dismissal signed by all parties appearing in the action, or otherwise file a motion for dismissal under Rule 41(a)(2).

DONE this 12th day of April, 2010.

sl M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE