

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

BOBBY LEWIS CURRY, JR.,

Plaintiff,

vs.

Case No. 4:16cv686-WS/CAS

**ELIZABETH DUDEK,
and TONYA WILSON,**

Defendants.

_____ /

ORDER

Plaintiff, an inmate proceeding pro se, has filed a “notice of voluntary dismissal.” ECF No. 13. Rule 41(a)(1)(i) 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 his answer, or files a motion for summary judgment. Since no Defendant has yet been served, Plaintiff is automatically entitled to take a voluntary dismissal at this time and his notice is effective without an order. See Fed. R. Civ. P. 41(a)(1)(A)(i); Anago Franchising, Inc. v. Shaz, LLC, 677 F.3d 1272 (11th Cir. 2012).

This Order confirms that the case has been dismissed. The Clerk must close the file.

Accordingly, it is

ORDERED:

1. Plaintiff's notice of voluntary dismissal, ECF No. 13, is accepted.
2. This cause shall be considered closed upon entry of this Order.

DONE AND ORDERED on February 8, 2017.

S/ Charles A. Stampelos
CHARLES A. STAMPELOS
UNITED STATES MAGISTRATE JUDGE