

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION

SIDNEY MARTS,

Plaintiff,

v.

CASE NO. 5:11-cv-00015-SPM -GRJ

P BELLELIS, et al,

Defendants.

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**ORDER OF DISMISSAL**

Plaintiff has filed a Notice of Voluntary Dismissal without prejudice pursuant to Fed. R. Civ. P. 41. (Doc. 3). The Court finds that Plaintiff’s Notice, construed as a motion for voluntary dismissal, is due to be **GRANTED**. If Plaintiff did not voluntarily dismiss this cause, the complaint would have been subject to dismissal because Plaintiff has been identified as an abusive filer and a “three-striker” under 28 U.S.C. § 1915(g), and he did not acknowledge this prior history on his complaint or submit the filing fee when he initiated this lawsuit. See Marts v. Chance, Case No. 3:08cv537-MCR-MD. (Doc. 51).

Accordingly, it is **ORDERED**:

That Plaintiff’s Notice of Voluntary Dismissal (Doc. 3), construed as a motion to dismiss pursuant to Fed. R. Civ. P. 41 is **GRANTED** and this cause is **DISMISSED WITHOUT PREJUDICE**.

**DONE AND ORDERED** this 7<sup>th</sup> day of March, 2011.

*s/ Gary R. Jones*

GARY R. JONES  
United States Magistrate Judge