

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

GEORGE E. HARDEN,

Plaintiff

v.

JOHN AND OR JANE DOES,

Defendants.

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CIVIL No.: 5:12-CV-255-MTT-MSH

ORDER OF DISMISSAL

Plaintiff **GEORGE E. HARDEN** has filed a civil rights complaint under 42 U.S.C. § 1983. He now moves, before service, for voluntary dismissal of this action.

Under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, a plaintiff may voluntarily dismiss his action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.”

Defendants have not yet been served in this case, and thus neither an answer nor a motion for summary judgment has been filed. Therefore, under the Federal Rules, Plaintiff is entitled to a voluntary dismissal without prejudice as a matter of right. His Motion (ECF Doc. No. 9) is accordingly **GRANTED**, and the above captioned action is deemed **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED, this 3rd day of August, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

jlr