

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

FILED  
U.S. DISTRICT COURT  
U.S. DISTRICT COURT  
AUGUSTA DIV.  
2015 NOV 13 AM 11:54  
2015 NOV 13 AM 11:54  
CLERK J. Z. [Signature]  
CLERK U.S. DIST. OF GA.  
SO. DIST. OF GA.

KIMBERLY FAE SEAY,

Plaintiff,

v.

AUTO-OWNERS INSURANCE COMPANY,

Defendant.

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CV 315-092

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O R D E R

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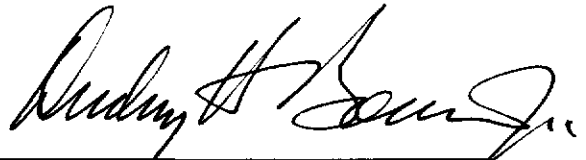
Plaintiff, proceeding pro se, filed the captioned case in the Superior Court of Telfair County, Georgia, and it was removed to this Court on October 30, 2015. On November 6, 2015, the Court received two separate filings from Plaintiff. The first filing is a Notice of Voluntary Dismissal, which was signed by Plaintiff on November 5, 2015. The Notice of Voluntary Dismissal was received in the Clerk's Brunswick divisional office at 8:26 a.m. on November 6, 2015. The second filing is an Amended Complaint, which was signed by Plaintiff the day before the Notice of Voluntary Dismissal, on November 4, 2015. The Amended Complaint, however, was not received by the Clerk's Augusta divisional office until 10:47 a.m., over two hours after the first filing.<sup>1</sup>

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<sup>1</sup> Because the Notice of Voluntary Dismissal was filed first, and with its answer to the complaint due on November 6,

Because the Notice of Voluntary Dismissal was signed after the Amended Complaint and filed first in the record, the Court concludes that it is Plaintiff's intent to voluntarily dismiss the case under Federal Rule of Civil Procedure 41(a)(1)(A)(i). The dismissal is appropriate under the rule. **IT IS THEREFORE ORDERED** that Plaintiff's claims against Defendant are **DISMISSED WITHOUT PREJUDICE**. The Clerk is directed to **TERMINATE** all motions and deadlines and **CLOSE** this case. Each party to bear its own costs.

**ORDER ENTERED** at Augusta, Georgia, this 13<sup>th</sup> day of November, 2015.



UNITED STATES DISTRICT JUDGE

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2015, Defendant filed a "Notice of Acknowledgment of Voluntary Dismissal" indicating its consent and in lieu of an answer.