

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

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

2010 OCT 25 PM 2:21

CLERK *B. W. J.*
SO. DIST. OF GA.

WILLIE J. FUTCH,)
)
Plaintiff,)
)
v.)
)
CHATHAM COUNTY DETENTION)
CENTER; DEPARTMENT OF)
CORRECTIONS OF THE STATE OF)
GEORGIA, d/b/a CHATHAM COUNTY)
DETENTION CENTER; STATE OF)
GEORGIA; PRISON HEALTH)
SERVICES; and CHATHAM COUNTY,)
GEORGIA,)
)
Defendants.)

CASE NO. CV410-192

O R D E R

Before the Court is the Plaintiff's Stipulation of Dismissal of Defendants The State of Georgia and The Department of Corrections of the State of Georgia. (Doc. 15.) Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), a plaintiff may dismiss an action by filing "a stipulation of dismissal signed by all parties who have appeared." Only Defendant Chatham County Detention Center has not made any appearance in this case.¹ Plaintiff's stipulation includes consent by all other parties to this case.

¹ Defendant Chatham County's Answer to Complaint (Doc. 1, Attach. 5 at 1) states as its third defense that, "The Chatham County Detention Center is not an entity capable of being sued."

Therefore, the motion is **GRANTED**. The actions against Defendant State of Georgia and Defendant Department of Corrections of the State of Georgia are **DISMISSED**, and each party shall bear his or its own costs. The joint motion to dismiss filed by these Defendants (Doc. 5) is **DISMISSED AS MOOT**.

SO ORDERED this 25th day of October 2010.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA