

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

SANDRA MCCORKLE,

Plaintiff,

v.

CALIBER HOME LOANS, LLC,

Defendant.

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CV 618-029

O R D E R

Pending before the Court is Plaintiff's Motion to Dismiss Without Prejudice. (Doc. 7.) Prior to this motion Defendant did not file an answer or a motion for summary judgment. While Defendant did file a motion to dismiss, such a motion does not preclude Plaintiff's right to voluntarily dismiss her action under Federal Rule of Civil Procedure 41(a)(1)(A)(i). Carter v. United States, 547 F.2d 258, 258-59 (5th Cir. 1977). Even where defendant "expended considerable effort in preparing their motion to dismiss," the motion is not considered an answer or a motion for summary judgment for the purposes of Rule 41(a)(1)(A)(i). Id. at 259. Accordingly, Plaintiff is entitled to the dismissal she seeks.

IT IS THEREFORE ORDERED that Plaintiff's claim against Defendant is **DISMISSED WITHOUT PREJUDICE**. The Clerk is directed to **TERMINATE** all motions and deadlines and **CLOSE** this case.

ORDER ENTERED at Augusta, Georgia, this 24th day of August, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA