

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

NATHANIEL JOHNSON,

Plaintiff,

v.

MR. PICKETT and C. LOPEZ,

Defendants.

No. 07-cv-269-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is Plaintiff's Motion for Voluntary Dismissal. (Doc. 39). Plaintiff's Motion seeks a dismissal, without prejudice, of his Complaint. The Government states in its Response that it has no objections to a voluntary dismissal, without prejudice, in this case. (Doc. 40). Rule 41(a)(2) provides, in relevant part, that "[e]xcept as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff's request only by court order, on terms the court considers proper." **FED. R. CIV. P. 41(a)(2)**. Rule 41(a)(1) is inapplicable to the instant Motion to Dismiss. **See FED. R. CIV. P. 41(a)(1)**. Thus, there being no objections, the Court **GRANTS** Plaintiff's Motion and **DISMISSES** the case, **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed this 17th day of September, 2009.

/s/ David R. Herndon

**Chief Judge
United States District Court**

