

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ERIC D. WALKER,

Plaintiff,

v.

ILLINOIS DEPARTMENT OF
CORRECTIONS, PINCKNEYVILLE
CORRECTIONAL CENTER, and DOCTOR
GARDNER,

Defendants.

Case No. 08-cv-595-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the Motion to Dismiss (Doc. 12) filed by Plaintiff Eric D. Walker. Rule 41(a)(1)(A)(i) allows dismissal of an action by a plaintiff without a court order at any time before service by an adverse party of an answer or of a motion for summary judgment, whichever first occurs. Defendants have not filed an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss the action at the present time, the Court finds that this case is **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: March 3, 2009

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE