

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

RICKY A. MILLER,

Plaintiff,

v.

JOHN E. POTTER, Postmaster General,

Defendant.

No. 09-12-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is Plaintiff and Defendant's Stipulation of Dismissal (Doc. 16). Specifically, the parties move to dismiss without prejudice, with each party to bear their respective costs, the above-captioned case pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii)**. The Court **ACKNOWLEDGES** the dismissal and **DISMISSES without prejudice**, the parties to bear their respective costs, Plaintiff Ricky A. Miller's cause of action against Defendant John E. Potter, Postmaster General. The Court will close the file.

IT IS SO ORDERED.

Signed this 20th day of October, 2009.

/s/ David R. Herndon

**Chief Judge
United States District Court**