

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

REBECCA CORBINE,)	
)	
Petitioner,)	
)	
vs.)	Case No. 09-cv-166-PMF
)	
WILLIAM A. SHERROD,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

FRAZIER, Magistrate Judge:

On June 1, 2009, Petitioner Rebecca Corbine filed a voluntary dismissal of this action (Doc. 28). Petitioner cites no Federal Rule of Civil Procedure under which she brings her motion. Rule 41(a)(1) allows a plaintiff to dismiss a case either by filing a stipulation signed by all parties who have appeared OR by filing a notice of dismissal *before* the adverse party answers or moves for summary judgment. Petitioner has not filed a stipulation and seeks dismissal after respondent has answered. Therefore, the pleading is properly construed as a motion for voluntary dismissal under Rule 41(a)(2), which provides for dismissal by Court Order. Respondent has filed no objection to the petitioner’s motion to dismiss.

The Court GRANTS the motion (Doc. 28) and DISMISSES this action with prejudice. This case is closed.

IT IS SO ORDERED.

DATED: June 11, 2009.

s/Philip M. Frazier

PHILIP M. FRAZIER
UNITED STATES MAGISTRATE JUDGE