

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

**DONNIE D. WHITE,**

**Plaintiff,**

**v.**

**GREGORY LAMBERT, et al.,**

**Defendants.**

**Case No. 09-cv-293-DRH-CJP**

**ORDER**

**HERNDON, Chief Judge:**

Before the Court is Plaintiff's Motion for Voluntary Dismissal (Doc. 174, in which Plaintiff seeks to voluntarily dismiss with prejudice his claims against defendants Todd Hunt and Brad McCarthy. Although Plaintiff has not expressly indicated, such dismissal would be made pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)**, which allows a plaintiff to voluntarily dismiss claims without a court order if a notice of dismissal is filed "before the opposing party serves either an answer or a motion for summary judgment." **FED. R. CIV. P. 41(a)(1)(i)**. Because neither defendant Hunt nor McCarthy have been served in this case, Rule 41(a)(1)(i) applies.

As such, the Court hereby **ACKNOWLEDGES** Plaintiff's **DISMISSAL WITH PREJUDICE** of defendants C/O Todd Hunt and Brad McCarthy from this case.

**IT IS SO ORDERED.**

Signed this 26th day of August, 2010.

*/s/ David R. Herndon*

**Chief Judge  
United States District Court**