

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

IVAN NEATHERY, *individually and as a shareholder of Meridian Bank*, and FEDERAL DEPOSIT INSURANCE CORPORATION, *as receiver for Meridian Bank*,

Plaintiffs,

vs.

CLAY WINFIELD, *individually and as a member of the Board of Directors of Meridian Bank*, TIMOTHY KEISER, *individually and as a member of the Board of Directors of Meridian Bank*, and BRAD RENCH, *individually and as the President of Meridian Bank*,

Defendants.

Case No. 09-cv-631-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Ivan Neathery’s Notice of Voluntary Dismissal (Doc. 39), which seeks to dismiss all claims against Defendant Timothy Keiser without prejudice. The instant notice is in response to the Court’s Memorandum and Order (Doc. 36) of June 17, 2010, wherein, the Court, *inter alia*, ordered Neathery to show cause why his claims against Keiser should not be dismissed without prejudice for failure to timely effectuate service of process.

Being fully advised of the premises, especially Federal Rules of Civil Procedure 4(m) and 41(a)(1)(A)(i), the Court **DISMISSES** Keiser **without prejudice** and **DIRECTS** the Clerk of Court to terminate him as a defendant in this matter and enter judgment accordingly.

IT IS SO ORDERED
DATED: July 6, 2010

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