

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

JEFFREY MICK, *as Special Administrator* )  
*of the Estate of Dorothy Mick, Deceased,* )  
 )  
Plaintiff, )

v. )

Case No. 10-cv-487-JPG

UNITED STATES OF AMERICA, *on* )  
*behalf of its agency, the Farm Service* )  
*Agency, f/k/a Farmers Home* )  
*Administration,* )  
 )  
Defendant. )

**MEMORANDUM AND ORDER**

This matter comes before the Court on Special Administrator Jeffrey Mick’s Motion to Voluntarily Dismiss (Doc. 11) without prejudice. Mick presumably filed this motion in response to the Government’s Motion to Dismiss (Doc. 7) and the Court’s Memorandum and Order (Doc. 8) to show cause. The Court notes that said show cause order required a response from Mick by September 10, however, Mick did not file the instant motion until September 14. The Court admonishes Mick that blatant disregard for the Court’s clearly established deadlines will not be tolerated in the future.

Nevertheless, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff has an absolute right to dismiss an action without a court order at any time before an adverse party serves either an answer or a motion for summary judgment, whichever first occurs.

Here, the Government has yet to file an answer or a motion for summary judgment. As such, the Court acknowledges that the case is at an end and **DIRECTS** the Clerk of Court

to close the file accordingly.

**IT IS SO ORDERED.**

**DATED: September 15, 2010**

s/ J. Phil Gilbert

**J. PHIL GILBERT  
DISTRICT JUDGE**