

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

JOSEPH L. BROWN, #07942-025

Plaintiff,

vs.

UNKNOWN PARTY, et al.,

Defendants.

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CIVIL NO. 10-818-GPM

MEMORANDUM AND ORDER

MURPHY, District Judge:

On October 25, 2010, Plaintiff moved this Court for voluntary dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a)(1)(i) (Doc. 7). Defendants have not yet been served; therefore, no Defendant has filed an answer or a motion for summary judgment. In these circumstances, voluntary withdrawal of his claim is Plaintiff's right. Accordingly, this action is **DISMISSED without prejudice**. All pending motions are **DENIED** as moot.

IT IS SO ORDERED.

DATED: 03/31/11

s/ G. Patrick Murphy
G. PATRICK MURPHY
United States District Judge