

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

<p>TIM CARUSO, #B-75626,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>C/O FUHRMAN and LT. COLLIER,</p> <p style="text-align: center;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CIVIL NO. 10-cv-877-JPG</p>
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MEMORANDUM AND ORDER

GILBERT, District Judge:

This matter is before the Court on Plaintiff's Motion to Voluntarily Dismiss (Doc. 17). Voluntary withdrawal of his claim is Plaintiff's right; accordingly, Plaintiff's motion is **GRANTED**. This action is **DISMISSED WITHOUT PREJUDICE**.

Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, thus the filing fee of \$350 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

The Clerk's office is directed to close the file.

IT IS SO ORDERED.

DATED: April 4, 2011

s/J. Phil Gilbert
United States District Judge