

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ANTHONY FRANK DISTEFANO,

Plaintiff,

v.

KINDER MORGAN RIVER TERMINALS,
LLC, and TAMMY MOELLER-CLARK,

Defendants.

Case No. 10-cv-1028-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the notice of dismissal with prejudice filed by plaintiff Anthony Frank Distefano (Doc. 35), which the Court construes as a motion to dismiss pursuant to Federal Rule of Civil Procedure 41(a)(2). Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal of an entire case from all the parties. The Court **GRANTS** the motion (Doc. 35), **DISMISSES** the plaintiff's claims against defendant Kinder Morgan River Terminals, LLC **with prejudice**, and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: December 5, 2011

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