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

MICHAEL DIAZ, #N-93764,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	<b>CASE NO. 11-cv-0122-MJR</b>
	)	
JOHN COX and RONNA MOYERS,	)	
	)	
Defendants.	)	

## **ORDER DISMISSING CASE**

## **REAGAN, District Judge:**

On April 22, 2011, Plaintiff moved this Court for voluntary dismissal of the action (Doc. 7). Because neither Defendant has answered or moved for summary judgment (indeed, the docket sheet indicates they have not been served), Plaintiff has the right to voluntarily dismiss this action under Federal Rule of Civil Procedure 41(a)(1)(A).

Accordingly, the Court **GRANTS** Plaintiff's motion (Doc. 7) and **DISMISSES THIS ACTION WITHOUT PREJUDICE**. Plaintiff is **ADVISED** that although he has dismissed his case, he must still pay the filing fee for this case. *See* 28 U.S.C. § 1915(b)(1), (e)(2); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7<sup>th</sup> Cir. 1998) (A prisoner incurs the obligation to pay the filing fee for a lawsuit when the suit is filed, and the obligation continues regardless of later developments in the suit, such as dismissal of the suit).

IT IS SO ORDERED.

**DATED May 24, 2011.** 

/s/ MICHAEL J. REAGAN
Michael J. Reagan
United States District Judge