

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CRAIG CHARLES,

Plaintiff,

v.

DONALD GAETZ, VIPIN K. SHAH,  
CHRISTIE BROWN, K. DEEN and JACKIE  
MILLER,

Defendants.

Case No. 13-cv-284-JPG-PMF

**MEMORANDUM AND ORDER**

This matter comes before the Court on plaintiff Craig Charles' "Motion in Stipulation" (Doc. 46), which the Court construes as a motion to dismiss Count 2 against defendant Vipin K. Shah pursuant to Federal Rule of Civil Procedure 41(a)(2). Shah has responded to the motion stating he has no objection to dismissal of Count 2 against him (Doc. 47). 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 signed by all the parties. The Court having reviewed the file and there being no objection from Shah to granting the motion, the Court:

- **GRANTS** the motion (Doc. 46);
- **DISMISSES** Count 2 against Shah **without prejudice**; and
- **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

**IT IS SO ORDERED.****DATED: November 14, 2013**

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