

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

CHRISTOPHER PYLES,

Plaintiff,

vs.

DONALD GAETZ,  
DAVID REDNOUR,  
WILLIAM SPILLER,  
MICHAEL ATCHISON,  
RICK HARRINGTON,  
KIM BUTLER,  
GLADYSE C. TAYLOR,  
MICHAEL P. RANDLE,  
SALVORDORE GODINEZ,  
TY BATES,

BRAD THOMAS,  
REBECCCE CREASON,  
JAMES R. BROWN,  
JOSEPH COWAN,  
CHAD E. HASEMEYER,  
JACQUELINE A. LASHBROOK,  
DOUG LYERLA,  
RICHARD D. MOORE,  
PAUL OLSON,  
BRIAN THOMAS,  
DR. BAIG,  
MISS GREATHOUSE,  
MISS WHITESIDE,  
DR. HILLERMAN,  
MISS DELONG,  
DR. KOWALKOWSKI, and  
WILLIAM REES

Defendants.

Case No. 13-cv-299-MJR-SCW

MEMORANDUM & ORDER

REAGAN, Chief Judge:

This § 1983 civil rights lawsuit comprises various claims based on Menard Correctional Center’s policy of allegedly unconstitutional lockdowns. (Doc. 1). *Pro se* Plaintiff Christopher Pyles has moved to voluntarily dismiss Defendants

Hillerman (who filed an Answer on May 1, 2014) and Kowalkowski (who has yet to answer).

Rule 41(a)(1) of the Federal Rules of Civil Procedure allow a plaintiff to dismiss an action without court order either before a defendant answers or by joint stipulation of the parties. Rule 41(a)(2) allows voluntary dismissal where a defendant has answered, but only on terms that the court considers proper.

Here, since Kowalkowski has not answered, Plaintiff's motion (really a notice) terminates the case against Kowalkowski "all by itself" without judicial approval. *Jenkins v. Vill. of Maywood*, 506 F.3d 622, 624–25 (7th Cir. 2007). In a filing at Doc. 132, Hillerman indicates no objection to Plaintiff's motion, so the Court (finding dismissal without prejudice is proper) **GRANTS (Doc. 125) Plaintiff's Motion to Dismiss.**

Defendants Kowalkowski and Hillerman are **dismissed** without prejudice, and Kowalkowski's motion to continue the deadline for responsive pleading (**Doc. 145**) is **MOOT**.

**IT IS SO ORDERED.**

**DATE: October 20, 2014**

**s/ Michael J. Reagan**

**MICHAEL J. REAGAN**

Chief Judge

UNITED STATES DISTRICT COURT