

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ZACHARY CHESSER,

Plaintiff,

v.

Case No. 13-cv-456-JPG-PMF

HENRY RIVAS, JEFFREY WALTON,
WENDY ROAL, STEVEN CARDONA, PAUL
KELLY, MILTON NEUMANN, ROBERT
ROLOFF, McCLEARY, WINN, LESLIE
SMITH, APRIL CRUITT, T. CAPALDO,
STEPHEN COLT and J. SIMMONS,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Zachary Chesser's motion to dismiss Counts 7-12 without prejudice (Doc. 50). The Court construes this motion as pursuant to Federal Rule of Civil Procedure 41(a)(2) filed by the plaintiff. 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 has reviewed the file and has determined that dismissal of these claims without prejudice is appropriate. Accordingly, the Court **GRANTS** the motion (Doc. 50), **DISMISSES without prejudice** Counts 7-12 and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case. Defendants McCleary and Winn are terminated as defendants in this case. The only claims remaining in this case are Counts 1-6, 13-18 and 21.

IT IS SO ORDERED.

DATED: December 20, 2013

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