

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

TIMOTHY MONTILEONE, *et al.*,  
*Individually and on behalf of all others*  
*similarly situated,*

Plaintiffs,

vs.

KEITH MORGAN, *et al.*,

Defendants.

Case No. 13-cv-1217-JPG-SCW

**MEMORANDUM AND ORDER**

This matter comes before the Court on plaintiffs' motion to dismiss without prejudice defendant Keith Morgan (Doc. 17) which the Court construes as a notice of dismissal. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) a plaintiff may dismiss a defendant without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Here, Morgan has filed neither an answer nor a motion for summary judgment. Accordingly, the Court **GRANTS** plaintiffs' motion (Doc. 17) and finds that defendant Keith Morgan is **DISMISSED** from this case.

**IT IS SO ORDERED.**

**DATED:** January 10, 2014

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