

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

VENICE PROPERTIES, LLC d/b/a	)	
VENICE FOOD MART,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:14-cv-542-JPG-SCW
	)	
UNITED STATES OF AMERICA,	)	
U.S. DEPARTMENT OF AGRICULTURE,	)	
FOOD AND NUTRITION SERVICE	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court on plaintiff Venice Properties, LLC's response to the Court's January 13, 2015, order to show cause why the Court should not construe its failure to timely respond to the defendant's motion for summary judgment as an admission of the merits of the motion and grant summary judgment in the defendant's favor (Doc. 14). In its response, Venice Properties, LLC, asks the Court to dismiss this case without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). 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 defendant has not formally responded to the plaintiff's request, but it has indicated in an e-mail to the Court that it has no objection to dismissal of this case without prejudice. In the absence of objection from the defendant, the Court **DISMISSES** this case without prejudice pursuant to Rule 41(a)(2) and **DIRECTS** the Clerk of Court to terminate all pending motions and close this case.

**IT IS SO ORDERED.**

**Signed this 11th day of February, 2015.**

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