

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

AUBRIE SPINKA,

Plaintiff,

v.

**E.H., a minor, STEPHEN HAUSER,
TARA HAUSER, JESSICA DRAKE,
BENJAMIN HOWES, FREEBURG
COMMUNITY HIGH SCHOOL
DISTRICT NO. 77, O'FALLON
TOWNSHIP HIGH SCHOOL DISTRICT
NO. 203,**

Defendants.

Case No. 14-cv-583-DRH-PMF

ORDER

HERNDON, District Judge:

Pending before the Court is Plaintiff Aubrie Spinka's motion to voluntarily dismiss without prejudice the claims against Defendant E.H. pursuant to Fed.R.Civ.P. 41(a)(2) (Doc. 123). Defendant E.H. filed no objection.¹ The determination of whether to grant a motion for voluntary dismissal rests within the sound discretion of the district court." *Tyco Labs., Inc. v. Koppers Co., Inc.*, 627 F.2d 54, 56 (7th Cir. 1980). Upon review of the motion, the Court shall grant the voluntary dismissal.

Accordingly, the Court **GRANTS** the motion and **DISMISSES without prejudice** plaintiff's claims against defendant E.H. This case is now closed. The

¹ Defendant E.H. is the only remaining defendant to the present action.

Clerk of the Court is **DIRECTED** to enter judgment in this case accordingly.²

IT IS SO ORDERED.

Signed this 25th day of January, 2017.

David R. Herndon



Digitally signed by
Judge David R. Herndon

Date: 2017.01.25

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United States District Judge

² The Court previously dismissed with prejudice all claims against defendants Stephen Hauser and Tara Hauser (Doc 117), Jessica Drake, Benjamin Howes (Docs. 120 & 121) and Freeburg Community High School District No. 77 (Doc. 121). The Court also previously dismissed for lack of jurisdiction plaintiff's claims against O'Fallon Township High School District No. 203 (Doc. 90).