

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

**CECILLE ROCKETT and
TERRANCE SMITH,**

Plaintiffs,

v.

**MICHAEL RENTH, CHRISTOPHER
BURNS, and CITY OF MADISON**

Defendants.

No. 14-cv-687-DRH

ORDER

HERNDON, Chief Judge:

Pending before the Court is plaintiffs' motion for leave to dismiss Counts IX and X of the complaint (Doc. 14). Specifically, plaintiffs move the Court to dismiss Count IX, in which plaintiff Terrance Smith, alleged maliciously prosecution, and Count X, in which Smith alleged that defendant Michael Renth falsely arrested him. Plaintiffs seek dismissal of the counts in light of Smith's November 6, 2014 guilty plea in state court to an amended charge associated with his original arrest, which the underlying action arises from. Voluntary withdrawal of claims is a plaintiff's right, and, accordingly, the Court **GRANTS** the motion pursuant to FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(i). Accordingly, Count IX and Count X are **DISMISSED** without prejudice. Further, the Court **DIRECTS**

defendants to file their answer, or other responsive pleading **no later than**
February 11, 2015.

IT IS SO ORDERED.

Signed this 4th day of February, 2015.

David R. Herndon



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by David R.
Herndon
Date: 2015.02.04
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United States District Judge