

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

DONALD J. MCALPINE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 14-cv-1235 JPG/SCW
	)	
BURLINGTON NORTHERN & SANTA	)	
FE RAILWAY COMPANY, <i>also known as</i>	)	
BNSF Railway Company,	)	
	)	
Defendant.	)	
	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Motion to Dismiss (Doc. 11) 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 defendants having no objections, the Court hereby **GRANTS** the motion to dismiss without prejudice and **DIRECTS** the Clerk of Court to close this case.

DATED: February 5, 2015

*s/ J. Phil Gilbert*  
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 UNITED STATES DISTRICT JUDGE