

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

|  |   |                                |
|--|---|--------------------------------|
| <b>DAMEON COLE, #R-13404,</b>            | ) |                                |
| <i>also known as Divine Desire Cole,</i> | ) |                                |
|  | ) |                                |
| <b>Plaintiff,</b>                        | ) |                                |
|  | ) |                                |
| <b>vs.</b>                               | ) | <b>Case No. 14-cv-1315-JPG</b> |
|  | ) |                                |
| <b>STEVEN B. DUNCAN,</b>                 | ) |                                |
| <b>MS. DAVIS and DR. RAY,</b>            | ) |                                |
|  | ) |                                |
| <b>Defendants.</b>                       | ) |                                |

**MEMORANDUM AND ORDER**

**GILBERT, District Judge:**

On November 25, 2014, this case was severed from *Postlewaite, et al. v. Godinez, et al.*, No. 14-cv-1281-JPG, and Plaintiff was ordered to notify the Court no later than December 30, 2014, if he wished to dismiss this action (Doc. 17, p. 16). He was warned that failure to provide the Court with this notice would result in the imposition of a filing fee for the action. Plaintiff filed a motion to voluntarily dismiss this case on December 29, 2014 (Doc. 6). The motion is **GRANTED** and this action is **DISMISSED WITHOUT PREJUDICE**. *See* FED. R. CIV. P. 41(a)(1)(A)(i). As specified in the severance order in this matter, Plaintiff shall not be assessed any filing fee for this action.

**IT IS SO ORDERED.**

**DATED: February 12, 2015**

*s/J. Phil Gilbert*  
**U.S. District Judge**