

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

JACKIE MARGENE BARNETT,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 17-42 JPG/DGW
)	
EQUIFAX INFORMATION SERVICES, LLC)	
<i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff’s motion to dismiss defendant Comenity Bank (Doc.5) which the Court construes as a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action without a court order at any time before the opposing party serves an answer or a motion for summary judgment. The defendant has not served an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss this defendant at the present time, the Court finds that defendant Comenity Bank is **DISMISSED with prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

DATED: April 5, 2017

s/ J. Phil Gilbert
UNITED STATES DISTRICT JUDGE