

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ARIANA R. JORDAN,

Plaintiff,

v.

JUSTIN D. KRAUSZ, JARED MISSEY,
ROBERT CARPENTER and THE VILLAGE
OF MARYVILLE,

Defendants.

Case No. 17-cv-434-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Ariana R. Jordan's motion to voluntarily dismiss Count II, a claim that defendant Jared Missey violated the Fourth Amendment when he caused Jordan's arrest for violating an order of protection when he should have known she had not violated it (Doc. 25). The Court construes this as a notice of dismissal of Count II 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. Defendant Missey has not served an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss her claims against Missey at the present time, the Court finds that those claims are **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case. Missey is terminated as a defendant in this case.

IT IS SO ORDERED.

DATED: March 23, 2018

s/ J. Phil Gilbert

J. PHIL GILBERT
DISTRICT JUDGE