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

SHANE A. KITTERMAN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**Case No. 18−cv–0352−NJR**
	)	
ILLINOIS STATE POLICE	)	
DEPARTMENT,	)	
TRACIE NEWTON,	)	
LEO P. SCHMITZ,	)	
CITY OF BELLEVILLE, ILLINOIS,	)	
BETH FERRY,	)	
CLAYTON GREENE,	)	
MARK HEFFEMAN,	)	
WILLIAM CLAY,	)	
CITY OF O'FALLON,	)	
BRUEGGMAN,	)	
ERIK VON HOK,	)	
KATHLEEN EFFANS, and	)	
BERNADETTE SCHREMP,	)	
	)	
Defendants.	)	

MEMORANDUM AND ORDER

ROSENSTENGEL, District Judge:

On November 28, 2017, Plaintiff filed this suit in the Central District of Illinois. (Doc. 1).

The case was transferred to the Southern District on February 13, 2018. (Doc. 6). The matter is

now before the Court on Plaintiff's Motion to Voluntarily Dismiss Civil Action (Doc. 10), which

was filed last week. For reasons explained below, the motion is granted.

Federal Rule of Civil Procedure 41(a) permits a plaintiff to dismiss an action without a

court order by filing a notice of dismissal before the opposing party serves either an answer or a

motion for summary judgment. Defendants have not been served in this action, and thus Plaintiff

is within the proper time frame to file a Notice of Dismissal. Plaintiff has specified that the

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dismissal shall be without prejudice. Although he has filed many other lawsuits, some of which raise issues that overlap with this lawsuit, the Court has been unable to find a case where Plaintiff has previously dismissed the same claims. FED. R. CIV. P. 41(a)(1)(B). For that reason, the dismissal shall be without prejudice.

Accordingly, Plaintiff's Motion to Dismiss (Doc. 10) is **GRANTED**. Plaintiff's Motion to Consolidate Cases (Doc. 9) is **DENIED as moot**. This entire action is **DISMISSED without prejudice**. The Clerk of Court is **DIRECTED** to enter judgment and close the case. This dismissal shall not count as one of Plaintiff's allotted "strikes" under 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

DATED: May 3, 2018

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NANCY J. ROSENSTENGEL
United States District Judge