

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

TRACY BROOKS and SEAN THOMAS	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.: 23-3673 JPG
	)	
ILLINOIS AMERICAN WATER COMPANY,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Notice of Dismissal (Doc. 12) filed by the plaintiffs. 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 defendants have not served an answer or motion for summary judgment in this case. Because the plaintiffs have an absolute right to dismiss this case at the present time, the Court finds that this action is **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to close this case.

The Motion to Dismiss for Lack of Jurisdiction (doc.10) is hereby moot.

DATED: 2/6/2024

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