

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

NOEL PHILLIPS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-CV-4079-JPG
)	
DEPARTMENT OF VETERANS)	
AFFAIRS MEDICAL CENTER,)	
)	
Defendant.)	

ORDER

GILBERT, District Judge:

This matter comes before the Court on plaintiff's notice of voluntary dismissal (Doc. 6) filed pursuant to Federal Rule of Civil Procedure 41(a)(1). Under that rule, a plaintiff may dismiss an action without order of court if he files a notice of dismissal before the adverse party answers or files a motion for summary judgment. F.R.Civ.P 41(a)(1)(i). Defendant has not answered or filed a motion for summary judgment and plaintiff had indicated that he dismissed this action without prejudice.

Therefore, the Court finds that this action has been **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

Dated: May 2, 2006.

/s/ J. Phil Gilbert
J. PHIL GILBERT
U.S. District Judge