

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
**CENTRAL DIVISION at LEXINGTON**

ADVANCED CARE CENTER, et al.,	)	
	)	
Plaintiffs,	)	Civil Action No.
	)	5:10-cv-437-JMH
v.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	<b>MEMORANDUM OPINION &amp; ORDER</b>
Defendant.	)	

\*\*        \*\*        \*\*        \*\*        \*\*

This matter is before the Court on Plaintiffs' Motion for Voluntary Dismissal [DE 4]. Plaintiffs have requested relief under Fed. R. Civ. P. 41(a)(1)(A) which provides that a plaintiff may 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." The United States of America has neither filed an answer nor made a motion for summary judgment. Accordingly, Plaintiffs' request is well-taken, although no order of the Court is necessarily required to effect the relief they seek. Nonetheless, having considered the matter and being adequately advised, **IT IS ORDERED:**

(1) that Plaintiffs' Motion for Voluntary Dismissal [DE 4] is **GRANTED;**

(2) that Plaintiffs' Complaint is **DISMISSED** without prejudice;

(3) that the Clerk shall **STRIKE THIS MATTER FROM THE ACTIVE DOCKET.**

This is the 14th day of January, 2011.



**Signed By:**

**Joseph M. Hood** *JMH*

**Senior U.S. District Judge**