

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

LYNDON LEIGH LAKHAN

CIVIL ACTION

VERSUS

NO. 10-1971-DEK

CHARLES “CHIP” WALE, ET AL.

ORDER AND REASONS

Plaintiff, Lyndon Leigh Lakhan, filed this *pro se* and *in forma pauperis* complaint pursuant to 42 U.S.C. § 1983. He named as defendants Charles “Chip” Wale, Jose Rel, and Ed Howell. In this lawsuit, plaintiff asserted excessive force and false arrest/false imprisonment claims. The parties consented to the jurisdiction of the undersigned United States Magistrate Judge. Rec. Doc. 17.

On July 7, 2011, plaintiff filed a document which the Court construes as a motion for voluntary dismissal pursuant to Fed.R.Civ.P. 41(a)(2). Rec. Doc. 42. In a subsequent telephone conference to discuss that motion, plaintiff confirmed that he wanted to cancel the upcoming trial and dismiss this lawsuit in its entirety. Plaintiff further confirmed that he understood the dismissal would be with prejudice.¹ Defense counsel informed the Court that the defendants do not oppose plaintiff’s motion to voluntarily dismiss his lawsuit.

Accordingly,

¹ Under Rule 41(a)(2), an order of voluntary dismissal is entered “on terms that the court considers proper.” In the instant case, the Court finds that dismissal with prejudice is warranted in light of the considerable time and effort the defendants have been forced to expend defending this lawsuit and preparing for trial.

IT IS ORDERED that plaintiff's motion to voluntarily dismiss this lawsuit is **GRANTED** and plaintiff's claims are hereby **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the defendants' motion for partial summary judgment, Rec. Doc. 40, is **DENIED AS MOOT**.

New Orleans, Louisiana, this eighth day of July, 2011.

A handwritten signature in black ink that reads "Daniel E. Knowles, III". The signature is written in a cursive style with a horizontal line underneath the name.

DANIEL E. KNOWLES, III
UNITED STATES MAGISTRATE JUDGE