

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

CORNELIUS LORENZO  
WILSON (#356241)

CIVIL ACTION

VERSUS

NO. 18-301-JWD-EWD

TIMOTHY HOOPER, ET AL.

**RULING AND ORDER**

Before the Court is Plaintiff's Motion to Dismiss.<sup>1</sup> Federal Rule of Civil Procedure 41, 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."<sup>2</sup> The notice of dismissal is effective immediately.<sup>3</sup> The notice closes the case, the district court is divested of jurisdiction over the case (except for consideration of collateral issues or exercising its supervisory powers), and not even a perfunctory order closing the case is needed.<sup>4</sup>

Plaintiff's Motion is functionally a Rule 41(a)(1)(A)(i) notice of dismissal, and since it was filed before Defendants served an answer or a motion for summary judgment it should be treated as such. Accordingly,

**IT IS ORDERED** that Plaintiff's Motion to Dismiss<sup>5</sup> be treated as a notice of voluntary dismissal pursuant to Rule 41(a)(1)(A)(i), and the clerk of court is directed to close the case.

**IT IS FURTHER ORDERED** that Plaintiff's pending Motion to Proceed *In Forma Pauperis*<sup>6</sup> be **DENIED AS MOOT**.

Signed in Baton Rouge, Louisiana, on April 30, 2019.



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**JUDGE JOHN W. deGRAVELLES  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

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<sup>1</sup> R. Doc. 5.

<sup>2</sup> Fed. R. Civ. P. art. 41(a)(1)(A)(i).

<sup>3</sup> *Qureshi v. U.S.*, 600 F.3d 523, 526 (5th Cir. 2010).

<sup>4</sup> *Id.* citing *American Cyanamid Co. v. McGhee*, 317 F.2d 295, 297 (5th Cir. 1963).

<sup>5</sup> R. Doc. 5.

<sup>6</sup> R. Doc. 3.