

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**CHRISTOPHER PAULSON (#360272)**

**CIVIL ACTION NO.**

**VERSUS**

**20-697-JWD-EWD**

**JAMES LeBLANC, ET AL.**

**ORDER**

Before the Court is a “Notice to Drop Suit” wherein Christopher Paulson (“Plaintiff”) requests that this Court “drop” this action.<sup>1</sup> The Court construes this request as a notice of dismissal brought pursuant to Federal Rule of Civil Procedure 41.

Regarding Plaintiff’s request that the lawsuit be dismissed, 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> Rule 41(a)(1)(B) provides that “unless the notice or stipulation states otherwise, the dismissal is without prejudice.” Because defendants have not been served and there has not been an answer or motion for summary judgment filed, Plaintiff’s Motion is functionally a Rule 41(a)(1)(A)(i) notice of dismissal and should be treated as such. Accordingly,

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

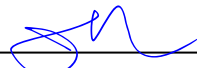
<sup>2</sup> Fed. R. Civ. P. art. 41(a)(1)(A)(i).

<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)).

**IT IS ORDERED** that the Notice to Drop Suit<sup>5</sup> filed by Plaintiff Christopher Paulson is 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.

Signed in Baton Rouge, Louisiana, on June 3, 2021.



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

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