

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BUCK A. FRALY,

Plaintiff,

Case Number 2:22-CV-10576

HONORABLE DENISE PAGE HOOD

v.

UNITED STATES DISTRICT JUDGE

MACOMB CORRECTIONAL FACILITY
MEDICAL STAFF, ET. AL.,

Defendants,

_____ /

**OPINION AND ORDER GRANTING THE
MOTION (ECF No. 13) FOR VOLUNTARY DISMISSAL**

Buck A. Fraly, (“Plaintiff”), confined at the Macomb Correctional Facility in New Haven, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff has now sent a letter to this Court, requesting to voluntarily dismiss his complaint. For the reasons stated below, the motion for voluntary dismissal is granted and the complaint is **DISMISSED WITHOUT PREJUDICE**.

I. DISCUSSION

Fed.R.Civ.P. 41(a) provides that a plaintiff may dismiss an action without order of court by filing a notice of dismissal before service by the adverse party of an answer or motion for summary judgment. *See also Doran v. McGinnis*, 158 F.R.D. 383, 389 (E.D. Mich. 1994). Plaintiff is entitled to a voluntary dismissal of

the civil rights complaint, in light of the fact that the defendants have not filed an answer to the complaint or motions to dismiss or for summary judgment. *Id.*

IT IS ORDERED THAT the complaint is **DISMISSED WITHOUT PREJUDICE.**

Dated: January 23, 2024

s/Denise Page Hood

HON. DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE