

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

DARIOUS DANYEL WHITE,

Plaintiff,
v.

CASE NO. 2:22-CV-12457
HONORABLE NANCY G EDMUNDS
UNITED STATES DISTRICT JUDGE

ALAN A. CRAWFORD, et. al.,

Defendants,

OPINION AND ORDER GRANTING THE MOTION FOR VOLUNTARY DISMISSAL

Darius Danyel White, ("plaintiff"), presently confined at the Clare County Jail in Harrison, Michigan, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff sent a letter to this Court, asking to dismiss the case, which is treated as a motion for voluntary dismissal. (ECF No. 5). For the reasons stated below, the motion is granted and the complaint is **DISMISSED WITHOUT PREJUDICE**.

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

Based upon the foregoing, the motion for voluntary dismissal is **GRANTED** and the complaint is **DISMISSED WITHOUT PREJUDICE**.

Dated: November 17, 2022

s/ Nancy G. Edmunds
HON. NANCY G. EDMUNDS
UNITED STATES DISTRICT JUDGE