

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOSEPH PAUL HOFFMAN #174943,)
)
Plaintiff,)
)
v.)
)
DENNIS STRAUB, et al.,)
)
Defendants.)
_____)

Case No. 2:10-cv-74

HON. ROBERT HOLMES BELL

JUDGMENT

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On August 17, 2010, Plaintiff filed a motion to voluntarily dismiss this action. Pursuant to Fed. R. Civ. P. 41(a), the Plaintiff is entitled to dismissal of the case without leave of court at any time prior to service by the adverse party of an answer or other responsive pleading; or, once responsive pleadings have been filed, with leave of court upon such terms and conditions as the court deems proper. In this case, summons have not yet been issued to the named defendants. Therefore, dismissal of this action without prejudice is appropriate. Fed. R. Civ. P. 41(a)(1). Therefore:

IT IS ORDERED that the captioned case be and hereby is DISMISSED without prejudice.

IT IS FURTHER ORDERED that Plaintiff's pending motions (docket #7 and #8) are DENIED as moot.

Dated: August 30, 2010

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE