

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CEASAR FELTON and MARY FELTON

PLAINTIFFS

vs.

CAUSE NO. 3:13-cv-829 (DCB) (MTP)

WELLS FARGO BANK, ET AL.

DEFENDANTS

ORDER OF DISMISSAL WITHOUT PREJUDICE

This cause is before the Court on defendants Demetrius Weatherbrook, Bennie Warrington and the Yazoo County Board of Supervisors' motion to dismiss without prejudice (**docket entry 20**), and on the plaintiffs Ceasar Felton and Mary Felton's Notice of Dismissal (**docket entry 25**), which the Court construes as a Motion for Voluntary Dismissal pursuant to Federal Rule of Civil Procedure 41. Because the defendants have filed answers to the plaintiffs' complaint, a voluntary dismissal must be by either stipulation pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii), or by court order pursuant to Fed.R.Civ.P. 41(a)(2). The defendants do not object to a dismissal without prejudice by the Court pursuant to Rule 41(a)(2).¹ Accordingly,

IT IS HEREBY ORDERED that the plaintiffs' Motion for Voluntary Dismissal (**docket entry 25**) is GRANTED, and this action is

¹All defendants have responded to the plaintiffs' motion, and all consent to the voluntary dismissal without prejudice. See docket entry 26 (defendants Weatherbrook, Warrington and Yazoo County Board of Supervisors); docket entry 27 (defendants Morris & Associates and Southern); docket entry 28 (defendants Wells Fargo Bank and Federal National Mortgage Company).

DISMISSED WITHOUT PREJUDICE;

FURTHER ORDERED that defendants Demetrius Weatherbrook, Bennie Warrington and the Yazoo County Board of Supervisors' motion to dismiss without prejudice (**docket entry 20**) is MOOT;

A Final Judgment dismissing this case without prejudice shall follow.

SO ORDERED, this the 16th day of September, 2014.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE