

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

|                               |   |                      |
|-------------------------------|---|----------------------|
| EDDIE SMITH,                  | ) |                      |
|                               | ) |                      |
| Plaintiff,                    | ) |                      |
|                               | ) |                      |
| v.                            | ) | No. 1:12-CV-0189-LMB |
|                               | ) |                      |
| DUNKLIN COUNTY COURT, et al., | ) |                      |
|                               | ) |                      |
| Defendants.                   | ) |                      |

**MEMORANDUM AND ORDER**

This matter is before the Court upon its own motion. On November 14, 2012, plaintiff submitted a letter to the Court, which the Court construed as a complaint, because it appeared that plaintiff was complaining of his rights being violated. The Court then ordered plaintiff to submit an amended complaint and to either pay the filing fee or to submit a motion to proceed in forma pauperis. On December 5, 2012, plaintiff responded that he did not intend to go ahead with a federal lawsuit. Additionally, plaintiff has not submitted an amended complaint or filed a motion to proceed in forma pauperis. As a result, the Court will dismiss this action without prejudice under Rule 41 of the Federal Rules of Civil Procedure.


Accordingly,

**IT IS HEREBY ORDERED** that this action is **DISMISSED** without prejudice under Rule 41 of the Federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED** that no filing fee will be assessed.

An Order of Dismissal will be filed with this Memorandum and Order.

Dated this 7th day of January, 2013.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE