

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

<b>MICHAEL DESIREY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>Case No. 4:13CV445 SNLJ</b>
	)	
<b>HUAWEI DEVICE USA, INC. and</b>	)	
<b>JIANGAO CUI,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

Plaintiff filed a multi-count action alleging employment discrimination under state and federal law. This matter is before the Court on the defendants’ motion for partial summary judgment (#8) on plaintiff’s claims in Counts I and II under the Missouri Human Rights Act.<sup>1</sup> On October 18, 2013, this Court granted plaintiff additional time to take discovery and to respond to the motion. Plaintiff was given 90 days to submit any additional material pertinent to his opposition to the motion and defendants were granted 14 days thereafter to submit any additional material in reply. Plaintiff has filed a supplemental memorandum and this matter is now ripe for disposition.

Plaintiff requests leave to voluntarily dismiss Counts I and II without prejudice. Defendants have not filed an opposition to the dismissal of Counts I and II without prejudice. This Court will grant plaintiff’s request and, therefore, defendants’ motion for partial summary judgment is moot.

Accordingly,

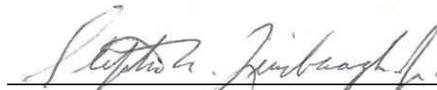
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<sup>1</sup> The motion also sought summary judgment on Count V. In response, plaintiff requested leave to voluntarily dismiss Count V without prejudice, which was granted by this Court on October 18, 2013.

**IT IS HEREBY ORDERED** that plaintiff's request for leave to voluntarily dismiss Counts I and II of his complaint without prejudice is **GRANTED**.

**IT IS FURTHER ORDERED** that defendants' motion for partial summary judgment (#8) is **DENIED** as moot.

Dated this 31st this day of January, 2014.



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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE