

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THOMAS LAUGHNER,)
)
 Plaintiff,)
)
 v.)
)
 DAN NIVINS, Both)
 Official/Individual Capacity, DON)
 COFFMAN, Both Official/Individual)
 Capacity, DEPARTMENT OF)
 CORRECTIONS, KATHY MARSH,)
 Dr., Both Official/Individual)
 Capacity, and RICK MCNEESE, Dr.,)
 Both Official/Individual Capacity,)
)
 Defendants.)

4:07CV3060

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff’s Motion for Voluntary Withdraw (filing no. [61](#)), which the court construes as a motion to voluntarily dismiss pursuant to [Federal Rule of Civil Procedure 41](#). Defendants have not filed an opposition to Plaintiff’s Motion and the time in which to do so has passed. Plaintiff’s Motion is therefore granted and this matter is dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Motion for Voluntary Withdraw (filing no. [61](#)) is granted. Plaintiff’s Third Amended Complaint and this action are dismissed without prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

3. To the extent it has not been fully paid, Plaintiff remains responsible for the filing fee in this matter, in accordance with court's previous Memorandum and Order.

November 7, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge