

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TIMOTHY P. GILL,	)	4:08CV3235
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
JOHN E. POTTER, Postmaster	)	
General U.S. Postal Service,	)	
	)	
Defendant.	)	

This matter is before the court on Plaintiff's Motion to Dismiss (filing no. 5), which the court construes as a motion to voluntarily dismiss pursuant to [Federal Rule of Civil Procedure 41](#). Service has not yet occurred and no answer has been filed. Plaintiff's Motion is therefore granted and this matter is dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Dismiss (filing no. 5) is granted. Plaintiff's Complaint and this action are dismissed without prejudice.
  
2. A separate judgment will be entered in accordance with this Memorandum and Order.

December 3, 2008.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge