

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CRUSE STEWART,

)

4:12CV3070

)

Plaintiff,

)

)

v.

)

)

KEVIN OURSLAND,

)

)

Defendant.

)

**MEMORANDUM
AND ORDER ON PLAINTIFF'S
MOTION TO DISMISS COMPLAINT**

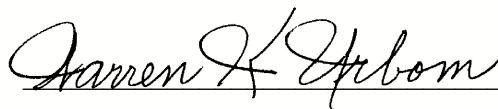
This matter is before me on the plaintiff's Motion to Dismiss Complaint, which I liberally construe as a motion for voluntary dismissal filed pursuant to [Federal Rule of Civil Procedure 41](#). (Filing No. [12](#).) In his motion, Cruse Stewart, the plaintiff, states, "I have decided to wait until I am released from my incarceration to pursue any further action." (*Id.*) The defendant has not yet been served with summons, and I find that voluntary dismissal is warranted under the circumstances. However, I caution Stewart that any future claims must be filed within the applicable statute of limitations.

IT IS THEREFORE ORDERED that:

1. the plaintiff's Motion to Dismiss Complaint (Filing No. [12](#)), construed as a motion for voluntary dismissal, is granted. The plaintiff's claims are dismissed without prejudice; and
2. a separate judgment will be entered in accordance with this memorandum and order.

Dated September 12, 2012.

BY THE COURT



Warren K. Urbom
United States Senior District Judge