

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MR. MICHAEL B. WOOLMAN,)
)
Plaintiff,)
)
v.)
)
VALENTINO’S EMPLOYEE’S &)
FAMILY,)
)
Defendant.)

4:13CV3025

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff’s Motion for Voluntary Dismissal. (Filing No. [10](#).) Also pending is Plaintiff’s Motion for Protective Order. (Filing No. [1](#).)

Pursuant to [Fed. R. Civ. P. 41](#), a plaintiff may dismiss an action by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment, or by filing a stipulation of dismissal signed by all parties who have appeared. [Fed. R. Civ. P. 41\(a\)\(1\)](#). In addition, a court may grant a request for voluntary dismissal “on terms that the court considers proper.” [Fed. R. Civ. P. 41\(a\)\(2\)](#).

Plaintiff filed his Motion for Voluntary Dismissal on March 27, 2013. (Filing No. [10](#).) In his Motion, Plaintiff asks the court to dismiss this matter because “the party was not sought as true.” (*Id.* at CM/ECF p. 1.) Plaintiff is proceeding *pro se* and Defendants in this matter have not been served with his Complaint. In light of this, Plaintiff’s Motion for Voluntary Dismissal is granted in accordance with [Federal Rule of Civil Procedure 41\(a\)](#) and this matter is dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Voluntary Dismissal (filing no. [10](#)) is granted and this matter is dismissed without prejudice.
2. Plaintiff's Motion for Protective Order (filing no. [1](#)) is denied as moot.
3. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 1st day of April, 2013.

BY THE COURT:

s/ John M. Gerrard
United States District Judge

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