

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RICHARD A. GRISWOLD,

Plaintiff,

vs.

BRAD HANSON, Warden at TSCI;

Defendant.

4:17CV3134

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's "Motion of Voluntary Dismissal of Action" pursuant to [Federal Rule of Civil Procedure 41](#). ([Filing No. 21](#).) Rule 41(a) states that a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(i\)](#). In addition, Rule 41(a)(2) provides that an action may be dismissed at the plaintiff's request "on terms that the court considers proper." [Fed. R. Civ. P. 41\(a\)\(2\)](#). Here, Plaintiff asks the court to dismiss this action and Defendants have not been served with process. Accordingly,

IT IS THEREFORE ORDERED that:

1. Plaintiff's request for dismissal of this action ([Filing No. 21](#)) is granted. Accordingly, this matter is dismissed without prejudice.
2. All other pending motions ([Filing Nos. 9, 10, 11, 12, 13, 14, 15, 16, and 19](#)) are denied as moot.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

Dated this 15th day of March, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge