

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

| | | |
|------------------------------|---|--------------------|
| JUNEAL PRATT |) | |
| |) | |
| Plaintiff, |) | 8:14CV392 |
| |) | |
| v. |) | |
| |) | |
| STATE OF NEBRASKA DEPARTMENT |) | MEMORANDUM OPINION |
| OF CORRECTIONS, et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the Court on plaintiff's "Motion to Withdraw 1983 Complaint" (Filing No. [10](#)), which the Court liberally construes as a motion to voluntarily dismiss pursuant to [Federal Rule of Civil Procedure 41](#). 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, defendants have not been served with process. Plaintiff's "Motion to Withdraw 1983 Complaint" (Filing No. [10](#)), which the Court liberally construes as a motion to voluntarily dismiss,

will be granted. A separate order will be entered in accordance with this memorandum opinion.

DATED this 8th day of December, 2014.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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