

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**BRIAN KEITH BRAGG,**

**Plaintiff,**

**v.**

**JENNIFER PETRILLO, et al.,**

**Defendants.**

**Civil Action No. 16-8751 (FLW)**

**MEMORANDUM AND ORDER**

This matter has been opened to the Court by Plaintiff's filing of a "Motion to Close Case" (ECF No. 18), which was docketed on August 31, 2017. It appearing that:

1. The Court previously proceeded Plaintiff's § 1983 claim against Defendant Jennifer Petrillo premised on violations of Plaintiff's Fourteenth Amendment right to medical privacy. (See ECF No. 15.) It appears that Defendant Petrillo has not been served.<sup>1</sup>

2. Plaintiff subsequently submitted the instant motion to close this case. (ECF No. 18.) Plaintiff states the following: "The Plaintiff does not believe his claims against Dr. Jennifer Petrillo have a basis for deliberate indifference claim because of medical disagreements with medical decisions and care provided. Plaintiff wish to close this case." (ECF No. 18, at 3.)

3. The Court construes Plaintiff's submission as a motion for voluntary dismissal pursuant to Fed. R. Civ. P. 41(a), and will grant the motion and dismiss the action without prejudice at this time.<sup>2</sup>

**IT IS, THEREFORE,** on this 5th day of September, 2017,

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<sup>1</sup> The only other Defendants in the case at this time are unserved John Doe Defendants.

<sup>2</sup> If Plaintiff wishes to reopen this matter, he must submit a signed writing to the Court within 30 day of the date of this Memorandum and Order.

**ORDERED** that the Plaintiff's request to dismiss this action is GRANTED; the matter is dismissed WITHOUT PREJUDICE; and it is further

**ORDERED** that the Clerk of the Court shall CLOSE this case; and it is further

**ORDERED** that the Clerk of the Court shall send Plaintiff copies of this Memorandum and Order via regular mail.

/s/ Freda L. Wolfson  
Freda L. Wolfson  
United States District Judge