

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ALAN M. OUTMAN,  
a/k/a Sara Outman,  
a/k/a Alan Outman,

Plaintiff,

v.

9:15-CV-0609  
(GTS/DJS)

VONDA JOHNSON, et al.,

Defendants.

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APPEARANCES:

OF COUNSEL:

ALAN M. OUTMAN  
12-B-3915  
Plaintiff, pro se  
CNY PC  
PO Box 300  
Marcy, NY 13403

HON. ERIC T. SCHNEIDERMAN  
New York State Attorney General  
Attorney for Defendants  
State of New York  
The Capitol  
Albany, NY 12224

RYAN W. HICKEY, ESQ.  
Ass't Attorney General

GLENN T. SUDDABY  
Chief United States District Judge

**DECISION and ORDER**

Plaintiff Alan M. Outman commenced this action by filing a pro se complaint for relief pursuant to 42 U.S.C. § 1983 together with an application to proceed in forma pauperis. Dkt. No. 1 ("Compl."); Dkt. No. 2 ("IFP Application"). Plaintiff subsequently filed an amended complaint, which is the operative pleading. Dkt. No. 9 ("Am. Compl."). Presently before the Court is plaintiff's motion seeking to voluntarily dismiss this action without prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure ("Rule 41(a)"). Dkt. No. 22.

Rule 41(a) provides in relevant part 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). Since defendants have not answered or moved for summary judgment, plaintiff is entitled to voluntary dismissal of this action without prejudice, without further order of the court, upon the filing of such a notice.

In light of the foregoing, upon the filing of plaintiff's notice requesting to withdraw his complaint, this action was dismissed, without prejudice, and an order of the court was not required in order to implement that dismissal.

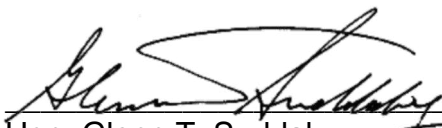
**WHEREFORE**, it is hereby

**ORDERED** that in accordance with plaintiff's notice (Dkt. No. 22) to voluntarily dismiss this action, the Clerk of the Court shall close this case and reflect that the action is voluntarily dismissed without prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure; and it is further

**ORDERED** that the Clerk serve a copy of this Decision and Order on the parties.

**IT IS SO ORDERED.**

Dated: December 10, 2015  
Syracuse, NY

  
Hon. Glenn T. Suddaby  
Chief U.S. District Judge