

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

PNC BANK, National Association,

Plaintiff,

vs.

PIRATE FOODS, LLC; MYRON S.
STRICKLAND; and JURGEN STANLEY,

Defendants.

Case No. 5:14-cv-161-F

ORDER

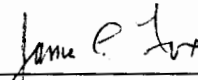
This matter is before the Court on the Joint Motion to Dismiss Defendant Myron S. Strickland with Prejudice filed by Plaintiff PNC Bank, National Association (“PNC Bank”) and Defendant Myron S. Strickland (“Strickland”). [D.E. 41.]

Federal Rule of Civil Procedure 41(a)(2) provides that “an action may be dismissed at the plaintiff’s request . . . by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). The purpose of Rule 41(a)(2) “is freely to allow a voluntary dismissal.” *Davis v. USX Corp.*, 819 F.2d 1270, 1273 (4th Cir. 1987). This is particularly true when the plaintiff seeks voluntary dismissal with prejudice. *See Bioxy, Inc. v. Birko Corp.*, 935 F. Supp. 737, 740 (E.D.N.C. 1996) (“[A] motion for voluntary dismissal with prejudice should be granted absent evidence of collusion, an imminent decision on the merits, or other extraordinary circumstances.”).

IT APPEARING that PNC Bank and Strickland seek dismissal of Strickland with prejudice and that dismissal under these circumstances is proper;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Strickland is dismissed from this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).

This the 17th day of February, 2015.



The Honorable James C. Fox
Senior United States District Judge