

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:15-cv-00167-FDW

ROBBIE SHERRON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 MIKE SLAGLE, *et al.*, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court following the filing of Plaintiff’s notice of the voluntary dismissal of his *pro se* complaint filed under 42 U.S.C. § 1983.

The Court notes that service has not been ordered in this case and consequently no defendant has filed an answer or other pleading at this time. Accordingly, Plaintiff is free to enter his notice of voluntary dismissal and this case will be dismissed without prejudice. See Fed. R. Civ. P. 42(a)(1)(A)(i). In his notice of voluntary dismissal, Plaintiff also indicates that he has chosen to voluntarily dismiss another complaint however he does not identify the case number. (Doc. No. 8). Plaintiff will therefore be allowed to respond to this Order and confirm the case number of the remaining case he is choosing to voluntarily dismiss.

**IT IS, THEREFORE, ORDERED** that:

1. Plaintiff’s complaint is dismissed.
2. Plaintiff’s motion to proceed under § 1983, and his motion to proceed *in forma pauperis* are **DISMISSED as moot**. (Doc. Nos. 6 & 7).
3. Plaintiff shall have 14-days from entry of this Order to identify by Case Number the

remaining case that he is choosing to voluntarily dismiss.

The Clerk is respectfully directed to terminate Case No. 1:15-cv-00167.

**SO ORDERED.**

Signed: August 28, 2015

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

