

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CHERYL PRINCE,

Plaintiff,

v.

J.P. MORGAN CHASE & CO.,

Defendant.

Case No. 2:13-cv-462

JUDGE GREGORY L. FROST

Magistrate Judge Elizabeth P. Deavers

**ORDER**

On August 25, 2014, Plaintiff filed a document intended to dismiss this action with prejudice. (ECF No. 23.) To effectuate its intended purpose, this document cannot be a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a) because such a notice would be effective only if filed prior to a defendant's filing of an answer or a motion for summary judgment, Fed. R. Civ. P. 41(a)(1)(A)(i), or if the filing is a stipulation of dismissal signed by all of the parties that have appeared in the action, Fed. R. Civ. P. 41(a)(1)(A)(ii). Because neither set of circumstances is present in this case, Plaintiff cannot dismiss the action via Rule 41(a)(1). Accordingly, construing Plaintiff's document as a motion filed under Federal Rule of Civil Procedure 41(a)(2), this Court **GRANTS** the motion and **DISMISSES** this action **WITH PREJUDICE**. (ECF No. 23.) The Clerk shall therefore terminate this case on the docket records of the United States District Court for the Southern District of Ohio, Eastern Division.

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
GREGORY L. FROST  
UNITED STATES DISTRICT JUDGE