

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DORIS M. RANDLEMAN,	:	Case No. 3:11-cv-376
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael J. Newman
vs.	:	
	:	
ERIC K. SHINESKI, Secretary, Department of Veterans Affairs,	:	
	:	
Defendant.	:	

ORDER OF DISMISSAL

This case is before the Court on Plaintiff's Motion to Dismiss this case without prejudice. (Doc. 9). Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), 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[.]" Here, Defendant has neither answered nor moved for summary judgment. Accordingly, the Court construes Plaintiff's Motion as a notice of dismissal without prejudice.

Accordingly, this case is **DISMISSED WITHOUT PREJUDICE**. The Clerk shall terminate Plaintiff's Motion (Doc. 9) and close this case on the Court's docket.

IT IS SO ORDERED.

Date: January 6, 2012

s/ Timothy S. Black
Timothy S. Black
United States District Judge