

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WENDY MCCARTNEY,	:	CIVIL ACTION NO. 1:09-CV-1817
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
PENNSYLVANIA STATE POLICE, JEFFREY MILLER, DANIEL HAWK, DENNIS SMOLKO, EARL KILLION, CHARLES STROBERT, THOMAS MANNION, THOMAS BUTLER, PATRICK B. GEBHART,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 28th day of July, 2010, upon consideration of the praecipe (Doc. 31) to discontinue and end, filed by plaintiff Wendy McCartney (“McCartney”) on July 20, 2010, wherein McCartney requests that the court “Please Discontinue and End the above captioned matter as to the defendant Mannion with prejudice,” (*id.*), and it appearing that all defendants filed an answer to the amended complaint on July 15, 2010, (*see* Doc. 28), and that defendant Thomas Mannion (“Mannion”) filed a motion (Doc. 29) for judgment on the pleadings on July 20, 2010, and recognizing that under Federal Rule of Civil Procedure 41(a)(2), “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper,” it is hereby ORDERED that:

1. McCartney's praecipe (Doc. 31) to discontinue and end is **CONSTRUED** as a Rule 41(a)(2) request for voluntary dismissal and is **GRANTED** as so construed. All claims against Mannion are **DISMISSED** with prejudice.
2. The motion (Doc. 29) for judgment on the pleadings, filed by Mannion, is **DENIED** as moot.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge