

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

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2010 NOV 30 P 1:02

Derrick Furtick,  
  
Plaintiff,  
  
vs.  
  
Sgt. Daniel Cotter, Ofc. Robertson, and Ofc.  
Whaley,  
  
Defendants.

Civil Action No. 1:10-cv-923-RMG

**ORDER**

Before the Court is Plaintiff's motion for voluntary dismissal. (Dkt. No. 21). Defendants have not filed a response to the Plaintiff's motion. The United States Magistrate Judge has issued a Report and Recommendation recommending that Plaintiff's motion be granted and the case dismissed without prejudice. (Dkt. No. 28).

Having reviewed the entire Record and in light of Defendants having filed no response to the Plaintiff's motion, this Court adopts the Magistrate Judge's R&R and **grants** Plaintiff's motion to voluntarily dismiss. Plaintiff's action is **dismissed without prejudice**. *See Davis v. USX Corp.*, 819 F.2d 1270, 1273 (4th Cir. 1987) (noting that the main purpose of Rule 41(a)(2) is to freely permit voluntary dismissals while safeguarding the non-movant from prejudice). Here the motion for voluntary dismissal was filed just fourteen days after Defendants answered so granting this motion does not prejudice the Defendants. Finally, in light of this Order, Docket Entry No. 26 is now moot.

**AND IT IS SO ORDERED.**

  
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Richard Mark Gergel  
United States District Court Judge

November 30, 2010  
Charleston, South Carolina