

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

Anthony Q. Robinson,)	C/A No.: 1:12-3148-RBH-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
William R. Byars, Director; Dwayne)	
McCall, Jr., Warden of PCI; Andrew)	
Cooper, PCI's Head Chaplain,)	
)	
Defendants.)	
)	

Anthony Q. Robinson (“Plaintiff”) proceeding pro se and *in forma pauperis*, brought this civil rights action, which is construed as brought pursuant to 42 U.S.C. § 1983. Plaintiff alleged violations of his constitutional rights by the following employees of the South Carolina Department of Corrections (“SCDC”): William R. Byars, SCDC Director; Dwayne McCall, Jr., Warden of Perry Correctional Institution (“PCI”); and Andrew Cooper, PCI’s Head Chaplain (collectively “Defendants”). Before the court is a document filed by the Clerk on August 29, 2013 as Plaintiff’s “Notice of Voluntary Dismissal”. [ECF #52].

“Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). This rule permits a plaintiff to dismiss his case without prejudice, but requires that the plaintiff obtain court approval. *See Marex Titanic, Inc. v. Wrecked & Abandoned Vessel*, 2 F.3d 544, 546 (4th Cir. 1993). The main purpose of the rule is to freely permit voluntary dismissals while safeguarding the non-movant from prejudice. *Davis v. USX*

Corp., 819 F.2d 1270, 1273 (4th Cir. 1987). Generally, a plaintiff's motion for voluntary dismissal without prejudice under Rule 41(a)(2) should not be denied unless the defendant will suffer prejudice. *See Andes v. Versant Corp.*, 788 F.2d 1033, 1036 (4th Cir. 1986). Here, there is no indication that Defendants would be prejudiced by the dismissal. Therefore, Plaintiff's case is dismissed without prejudice.

IT IS SO ORDERED.

September 4, 2013
Florence, SC

s/R. Bryan Harwell
R. Bryan Harwell
United States District Judge