

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**JACINTA NELSON,**

*Plaintiff,*

v.

**DARIUS A. WILLIS,**

*Defendant.*

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**Case No. 3:10-cv-00764  
Judge Nixon  
Magistrate Judge Bryant**

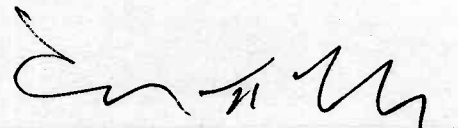
**JURY DEMAND**

**ORDER**

Plaintiff Jacinta Nelson has filed a Notice of Voluntary Dismissal Without Prejudice, in which she asserts her intention to voluntarily dismiss this case without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1). (Doc. No. 35.) The Court notes, however, that Defendant Darius A. Willis has filed an Answer on October 22, 2010 (Doc. No. 19) and he has not signed a stipulation of dismissal; as such, Plaintiff may not invoke Rule 41(a)(1). The Court, however, may dismiss this action at Plaintiff's request pursuant to Rule 41(a)(2), and it will do so: it appears that neither Plaintiff nor Magistrate Judge Bryant have been able to locate Defendant, and he has taken no other action in this case than to file the Answer (which does not contain any counterclaims against Plaintiff). Accordingly, this case is **DISMISSED without prejudice**, and the Clerk is directed to **CLOSE** the case.

It is so ORDERED.

Entered this 22<sup>nd</sup> day of August, 2011.



JOHN T. NIXON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT