

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

LEQUINTIN LINDSEY, individually and on)
 behalf of himself and others similarly)
 situated,)
 Plaintiff,)
 v.)
 FAMILY DOLLAR STORES, INC, et al.,)
 Defendants.)

No. 2:24-cv-02254-SHL-cgc

**ORDER DISMISSING DEFENDANTS FAMILY DOLLAR STORES, INC. AND
DOLLAR TREE FAMILY DOLLAR, LLC**

Before the Court is Plaintiff Lequintin Lindsey’s Notice of Dismissal as to Defendants Family Dollar Stores, Inc. and Dollar Tree Family Dollar, LLC. (ECF No. 8.) Lindsey seeks to voluntarily dismiss all of his claims against these two Defendants under Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Id. at PageID 27.) Lindsey’s claims against Defendant Family Dollar Stores of Tennessee, LLC remain.

Because Family Dollar Stores, Inc. and Dollar Tree have not filed an answer or motion for summary judgment, dismissal under Rule 41(a)(1)(A)(i) would normally be proper. However, in multi-defendant matters, “Rule 21 provides the appropriate basis for dismissal of a single defendant,” not Rule 41. Henderson-Thompson v. Jardoin, No. 2:22-cv-2013-MSN-cgc, 2022 WL 349896, at *2 (W.D. Tenn. Feb. 4, 2022) (citing Philip Carey Mfg. Co. v. Taylor, 286 F.2d 782, 785 (6th Cir. 1961)); see also Wilkerson v. Brakebill, No. 3:15-CV-435-TAV-CCS, 2017 WL 401212, at *2 (E.D. Tenn. Jan. 30, 2017) (collecting district court cases from within the Sixth Circuit recognizing that Rule 21, rather than Rule 41, is applicable when dismissing a single claim or defendant instead of an entire lawsuit). The Court will therefore construe the

notice of dismissal under Rule 41 as a motion for dismissal under Rule 21. See Henderson-Thompson, 2022 WL 349896, at *2.

Rule 21 permits a court to drop a party at any time on motion or on its own. Fed. R. Civ. P. 21. Dropping parties under Rule 21 functions as a dismissal of the party. See Henderson-Thompson, 2022 WL 349896, at *2. Thus, all claims against Defendants Family Dollar Stores, Inc. and Dollar Tree Family Dollar, LLC are **DISMISSED WITHOUT PREJUDICE** under Rule 21. This dismissal does not apply to Lindsey's claims against Defendant Family Dollar Stores of Tennessee, LLC.

IT IS SO ORDERED, this 23rd day of October, 2024.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE