

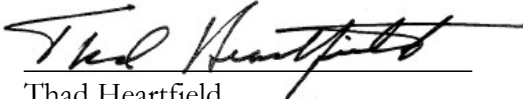


dismiss his claims in this case prior to the service of any adverse parties. FED. R. CIV. P. 41(a)(1).

O R D E R

Accordingly, plaintiff's motion for voluntary dismissal is hereby **GRANTED**. The report of the magistrate judge is partially **ADOPTED** with regards to dismissing this action. A final judgment will be entered dismissing this case without prejudice pursuant to Rule 41(a)(1).

**SIGNED** this the **13** day of **October, 2009**.

  
Thad Heartfield  
United States District Judge