

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOSHUA A. TWOHIG, §
2590580, §
Plaintiff, §
v. § CIVIL ACTION H-12-3727
NCI BUILDING SYSTEMS, et al., §
Defendants. §

MEMORANDUM OPINION AND ORDER GRANTING MOTION TO DISMISS

The plaintiff has submitted a motion to dismiss under FED.R.CIV.P. 41(a). The courts have generally granted dismissal unless the defendants would suffer some plain legal prejudice other than the mere prospect of a second lawsuit. Manshack v. Southwestern Elec. Power Co., 915 F.2d 172, 174 (5th Cir. 1990). No such prejudice has been shown in the instant case.

The motion to dismiss (Docket Entry 7) is **GRANTED**.

The officials administering plaintiff's trust fund account (# 2590580) are **ORDERED** to cease all withholding and payment of the filing fees in this action.

This action is **DISMISSED** pursuant to the plaintiff's motion.

The Clerk shall provide copies of this Memorandum Opinion and Order to the parties and to the Harris County Jail, Records Department, 1200 Baker Street, Houston, Texas 77002.

SIGNED at Houston, Texas, on this 16th day of April, 2013.



SIM LAKE
UNITED STATES DISTRICT JUDGE