

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

United States District Court
Southern District of Texas

ENTERED

May 03, 2017

David J. Bradley, Clerk

JAMES VAN WINKLE,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION H-16-2694
	§	
PINECROFT CENTER, L.P., ET AL.,	§	
	§	
Defendants.	§	

OPINION AND ORDER

Pending before the Court in the above reference suit, grounded in the Americans with Disabilities Act, 42 U.S.C. §12101, et al., are Plaintiff James Van Winkle's motion for entry of Clerk's default (instrument #19) against Defendant TRU 2005 RE I, L.L.C. and Plaintiff's notice of voluntary dismissal without prejudice under Rule 41(a)(1)(A)(i)(instrument #16) of Defendant Pinecroft Center, L.P.

After numerous extensions of time to answer the complaint, granted to TRU 2005 RE I, L.L.C., it filed its answer (#41) to the complaint on January 9, 2017. Thus the Court

ORDERS the motion for entry of default (#19) is DENIED.

Pursuant to the notice of voluntary dismissal of Pinecroft Center, L.P., d/b/a Pinecroft Partners, L.P., the Court

ORDERS that it is DISMISSED without prejudice, with each party to bear its own fees and costs.

SIGNED at Houston, Texas, this 3rd day of May, 2017.



 MELINDA HARMON
 UNITED STATES DISTRICT JUDGE