Marshall v. Clark Doc. 11

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

SHAYQUON QUONTAE MARSHALL,

Petitioner,

v. Civil Action No. 3:18CV99

HAROLD W. CLARK,

Respondent.

MEMORANDUM OPINION

Shayquon Quontae Marshall, a Virginia inmate proceeding pro se, submitted a 28 U.S.C. § 2254 petition. On April 4, 2018, Marshall moved to voluntarily dismiss the action. See Fed. R. Civ. P. 41(a)(2). Respondent has not objected to the dismissal. A party's "motion under Rule 41(a)(2) for dismissal without prejudice should not be denied absent substantial prejudice to the defendant." Andes v. Versant Corp., 788 F.2d 1033, 1036 (4th Cir. 1986) (citing Kenrose Mfg. Co. v. Fred Whitaker Co., 512 F.2d 890, 895 (4th Cir. 1972)). Accordingly, Marshall's Motion to Voluntarily Dismiss (ECF No. 10) will be granted. The action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to Marshall and counsel of record.

It is so ORDERED.

/s/ REP
Robert E. Payne
Senior United States District Judge

Date: June 5, 2018
Richmond, Virginia

Dockets.Justia.com