

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

APR 16 2014

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

RUSSELL L. EBERSOLE, )  
d/b/a Aberdeen Acres Pet Care Center, )

Plaintiff, )

v. )

CHERYL ANDERSON, )

Defendant. )

Civil Action No. 5:13cv000116

By: Michael F. Urbanski  
United States District Judge

ORDER

This matter was referred to the Honorable James G. Welsh, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B) for proposed findings of fact and a recommended disposition. The magistrate judge filed a report and recommendation on March 5, 2014, recommending that the *pro se* plaintiff's motion to dismiss without prejudice, Dkt. No. 12, be confirmed<sup>1</sup> pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) as the defendant had served neither an answer nor a motion for summary judgment at the time plaintiff filed his motion.

No objections to the report and recommendation have been filed and the court is of the opinion that the report and recommendation should be adopted *in toto*. It is accordingly **ORDERED** and **ADJUDGED** that the report and recommendation, Dkt. No. 22, is **ADOPTED in its entirety**. This matter is accordingly **DISMISSED without prejudice** and **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order to the *pro se* plaintiff and to all counsel of record.

Entered: April 15, 2014



Michael F. Urbanski  
United States District Judge

<sup>1</sup> Rule 41(a)(1)(A)(i) provides that a plaintiff may voluntarily dismiss an action without a court order.