

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA,
STATE OF FLORIDA and CINDY
KOPEC,

Plaintiffs,

v.

Case No: 2:16-cv-834-FtM-38MRM

EYE CENTERS OF FLORIDA, P.A.,
SURGICARE CENTER, INC. and
DAVID C. BROWN,

Defendants.

ORDER¹

Before the Court is Relator Cindy Kopec's Notice of Voluntary Dismissal Without Prejudice. ([Doc. 5](#)). Under [31 U.S.C. § 3730\(b\)\(1\)](#) and [Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)\(i\)](#), Kopec voluntarily dismisses this *qui tam* suit without prejudice and before any Defendant has responded to the Complaint. The United States does not oppose the dismissal and consents to the same. ([Doc. 5](#)).

[Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)\(i\)](#) allows a plaintiff to dismiss an action voluntarily, without a court order, before the opposing party serves an answer or a motion for summary judgment. This dismissal is effective upon filing and requires no further action by the Court. See [Anago Franchising, Inc. v. Shaz, LLC, 677 F.3d 1272, 1278](#)

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

(11th Cir. 2012). Thus, per Rule 41, the Court dismisses this *qui tam* case without prejudice.

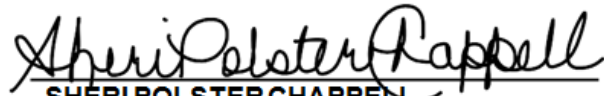
Accordingly, it is now

ORDERED:

(1) Relator Cindy Kopec's Notice of Voluntary Dismissal Without Prejudice ([Doc. 5](#)) is **GRANTED**.

(2) The above-captioned case is **DISMISSED** without prejudice.

DONE and **ORDERED** in Fort Myers, Florida this 7th day of June 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record