UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

NATHANIEL R. BRAZILL,

Plaintiff,

v. Case No: 2:17-cv-394-FtM-38UAM

ALLEN DEAN PETERSON and
JASON KING,

Defendants.
_____/

OPINION AND ORDER[1]

Before the Court is Plaintiff's Notice of Voluntary Dismissal Without Prejudice (Doc. 54) filed April 3, 2019. Plaintiff, who has pending a civil rights action, seeks to voluntarily dismiss this action without prejudice. *Id*.

Prior to an answer or motion for summary judgment by the opposing party or upon stipulation, a party may voluntarily dismiss an action without a court order. Fed. R. Civ. P. 41(a)(1)(A). Otherwise, an action may be dismissed upon the plaintiff's request by court order. Fed. R. Civ. P. 41(a)(2). Because Defendant Peterson has filed an Answer (Doc. 36), the Court construes the Notice as a motion brought pursuant to Fed. R. Civ. P.

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41(a)(2). Plaintiff advises the Court that he has conferred with counsel for Defendants and Defendants have no objection to the voluntary dismissal. Doc. 54 at 1.

Accordingly, it is now

ORDERED:

Plaintiff's Notice (Doc. 54) construed as a motion pursuant to Fed. R. Civ. P. 41(a)(2) is **GRANTED** and the Clerk shall enter judgment dismissing this case without prejudice, terminate any pending motions and deadlines, and close this case.

DONE and **ORDERED** in Fort Myers, Florida this 5th day of April 2019.

SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1
Copies: All Parties of Record