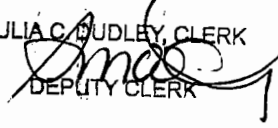


AUG 29 2017

JULIA C. BUDLEY, CLERK  
BY:   
DEPUTY CLERK

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

JASON KESSLER,	)	
	)	
Plaintiff,	)	Civil Action No. 3:17CV00056
	)	
v.	)	<b><u>DISMISSAL ORDER</u></b>
	)	
CITY OF CHARLOTTESVILLE,	)	By: Hon. Glen E. Conrad
VIRGINIA, et al.,	)	United States District Judge
	)	
Defendants.	)	


This case is presently before the court on the plaintiff's notice of voluntary dismissal. Pursuant to Rule 41 of the Federal Rules of Civil Procedure, a plaintiff has an absolute right to voluntarily dismiss an action prior to service by the defendants of an answer or a motion for summary judgment. See Fed. R. Civ. P. 41(a)(1)(A)(i); see also Marex Titanic, Inc. v. Wrecked & Abandoned Vessel, 2 F.3d 544, 546 (4th Cir. 1993). Because no answer or motion for summary judgment has been filed in the instant case, the plaintiff is entitled to voluntary dismissal as a matter of right. Accordingly, it is hereby

**ORDERED**

that this action is **DISMISSED WITHOUT PREJUDICE** and shall be **STRICKEN** from the active docket of the court. See Fed. R. Civ. P. 41(a)(1)(B) ("Unless the notice [of voluntary dismissal] states otherwise, the dismissal is without prejudice.").

The Clerk is directed to send copies of this order to all counsel of record.

DATED: This 29<sup>th</sup> day of August, 2017.

  
United States District Judge