

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

JAMES RICHARD DUDLEY,

Plaintiff,

v.

CASE NO. 21-3280-SAC

(fnu) WARREN,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on plaintiff's motion for voluntary dismissal. Because no responsive pleading has been filed by the defendant, the court construes the motion as a filing under Rule 41(a)(1) of the Federal Rules of Civil Procedure. That subsection provides that "the plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment...." Fed. R. Civ. P. 41(a)(1).

The court has examined the record and finds this matter may be dismissed without prejudice.

IT IS, THEREFORE, BY THE COURT ORDERED the plaintiff's motion for voluntary dismissal (Doc. 11) is granted.

DATED: This 24th day of January, 2022, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. Senior District Judge