

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS, FLORIDAROGER G. CANUPP, JACOB MYERS,
LAWRENCE MCGEE, HUBERT DAVIDSON,
TYWAUN JACKSON, CHARLES DURDEN,
Plaintiffs,

vs.

Case No. 2:04-cv-260-FtM-MMH-DNF

SECRETARY OF THE DEPARTMENT OF
CHILDREN AND FAMILIES and GEO, INC.,Defendants.

ORDER

This matter comes before the Court upon review of Plaintiffs' Notice of Voluntary Dismissal without prejudice of GEO pursuant to Fed. R. Civ. P. 41(a)(1)(i). (Doc. #198.) In the pleading *sub judice*, Plaintiffs state Defendant GEO is not a necessary a party for joinder. Plaintiffs state that they wish to dismiss GEO because of the significant delay that will result if GEO is included in this action.


Federal Rule of Civil Procedure 41(a)(1)(i), permits a party to voluntarily withdraw an action without order of court before an answer or motion for summary judgment has been served by the adverse party. Defendant GEO has not been served in this action.

ACCORDINGLY, it is hereby **ORDERED**:

1. Plaintiffs' Notice of Voluntary Dismissal without prejudice of GEO pursuant to Fed. R. Civ. P. 41(a)(1)(i) (Doc. #198) is **GRANTED** and Defendant GEO is dismissed without prejudice.

2. The Clerk of Court shall correct the caption of the case to reflect the termination of Defendant GEO, Inc.

DONE AND ORDERED in Fort Myers, Florida, on this 4th day of June, 2007.



DOUGLAS N. BRAZIER
UNITED STATES MAGISTRATE JUDGE

SA: alj
Copies: All Parties of Record