

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

JONATHAN PAUL BOYD,	)
	)
Plaintiff,	)
	)
v.	)
	)
DON WILLIAMSON, M.D.,	)
in his official capacity as Acting Commissioner	)
of the Alabama Medicaid Agency,	)
	)
Defendant.	)

Civil Action Number:  
2:10-cv-00688-MEF-TFM

**PLAINTIFF’S MOTION TO DISMISS THIS ACTION VOLUNTARILY AND  
WITHOUT PREJUDICE**

COMES NOW the Plaintiff, Jonathan Paul Boyd, by and through his undersigned counsel, and voluntarily moves this Honorable Court to dismiss this action without prejudice. Plaintiff’s counsel has conferred with counsel for the Defendant, and is authorized to represent that the Defendant does not object to a dismissal without prejudice. As grounds for this motion, the Plaintiff states:

1. When this action was filed, Plaintiff was eligible to obtain certain Medicaid benefits through the Defendant Agency, resided in a nursing home, and sought to be able to live a more fulfilling life in a setting that is less restrictive than a nursing home.

2. During the course of discovery in this action, the Defendant uncovered certain information that ultimately led to an administrative determination by the Defendant that the Plaintiff is not eligible to receive Medicaid benefits through the Defendant Agency. The Plaintiff is appealing that determination but, as of this date, that determination has not been overturned.

3. The Plaintiff recognizes that the interests of justice and judicial economy would be served by his voluntarily dismissing this action without prejudice.

WHEREFORE, the Plaintiff voluntarily moves this Honorable Court to dismiss this action without prejudice.

Respectfully submitted,

BY:

s/ James A. Tucker

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Attorneys for the Plaintiff

**CERTIFICATE OF SERVICE**

This is to certify that on the 30<sup>th</sup> day of April, 2012, a copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will electronically send a copy of the same to the following:

Margaret L. Fleming  
James W. Davis  
Misty S. Fairbanks  
William G. Parker, Jr.  
Stephanie McGee Azar  
Anne S. Raish

s/James A. Tucker  
Attorney for Plaintiff