

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 14-80033-Civ-Brannon

DANIEL A. DECASTRO, as an individual
and on behalf of all others similarly situated,

Plaintiff(s),

vs.

SMALL PLANET FOODS, INC.,
a Washington corporation,

Defendant(s).

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10/10/2014
14-80033-CIV-Brannon

ORDER

THIS CAUSE is before the Court on Plaintiff's Notice of Voluntary Dismissal Without Prejudice (DE 35). Federal Rule of Civil Procedure 41(a)(1)(A)(i) authorizes a case to be voluntarily dismissed upon the filing of a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. *See also Carter v. United States*, 547 F.2d 258 (5th Cir. 1977). Here, Defendant has neither filed an answer nor a motion for summary judgment.

Accordingly, the Court ORDERS AND ADJUDGES that the Clerk of Court shall CLOSE this case. All pending motions are DENIED AS MOOT.

DONE and ORDERED in Chambers at West Palm Beach in the Southern District of Florida, this 7th day of October, 2014.



DAVE LEE BRANNON
U.S. MAGISTRATE JUDGE