

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 16-80359-CIV-MIDDLEBROOKS**

BERNICE OCASIO,

Plaintiff,

v.

THE J.M. SMUCKER COMPANY,

Defendant.

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**ORDER CLOSING CASE**

THIS CAUSE comes before the Court upon Plaintiff's Stipulation of Dismissal Without Prejudice (DE 23), filed on April 15, 2016. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, a plaintiff may voluntarily dismiss an action by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. *See* Fed. R. Civ. P. 41(a)(1)(A)(i). Defendant has not served an answer or a motion for summary judgment. Accordingly, it is hereby

**ORDERED AND ADJUDGED** that the Clerk of Court shall **CLOSE** this **CASE**. All pending motions are hereby **DENIED AS MOOT**.

**DONE AND ORDERED** in Chambers in West Palm Beach, Florida, this 19 day of April, 2016.

  
DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record