

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, ALBANY DIVISION

Amanda Weeks v. Colquitt County, Georgia, et al.

Weeks · No. 7:23-CV-77 (LAG) · Decided January 9, 2026

SUMMARY

The United States District Court for the Middle District of Georgia granted Plaintiff Amanda Weeks’s motion to dismiss under Federal Rule of Civil Procedure 41(a)(2). The action was dismissed without prejudice after the plaintiff reported reaching a settlement and the remaining defendant did not object; the court found no plain prejudice to the defendants.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Albany Division
WRITING FOR THE COURT	Leslie A. Gardner
JURISDICTION	United States District Court for the Middle District of Georgia, Albany Division
DECIDED	January 9, 2026
DOCKET	7:23-CV-77 (LAG)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 41(a)(2) to voluntarily dismiss the action without prejudice after the court had dismissed claims against all defendants except Deputy Kyle Jones in his individual capacity. Jones did not respond or object.
STANDARD OF REVIEW	The district court exercises sound and broad discretion in deciding whether to permit voluntary dismissal under Rule 41(a)(2).
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- motions to dismiss
- civil procedure
- section 1983
- remedies

PRACTICE AREAS

- civil procedure
- civil rights
- torts
- remedies

QUESTIONS PRESENTED

1. Whether the court should grant Plaintiff's unopposed request for voluntary dismissal under Federal Rule of Civil Procedure 41(a)(2).
2. Whether the remaining defendant would suffer plain prejudice beyond the mere prospect of a second lawsuit from dismissal without prejudice.

HOLDINGS

1. A plaintiff's request for voluntary dismissal that does not qualify for dismissal under Rule 41(a)(1) may be granted by court order on proper terms, and the decision is committed to the district court's sound and broad discretion.
2. Voluntary dismissal without prejudice was appropriate because the defendants would not suffer plain prejudice from the dismissal.

KEY QUOTATIONS

"[T]he decision whether or not to grant [a voluntary] dismissal is within the sound discretion of the district court" (at 2)

"in most cases a voluntary dismissal should be allowed unless the defendant will suffer some plain prejudice other than the mere prospect of a second lawsuit[.]" (at 2)

FACTUAL BACKGROUND

Plaintiff sought monetary damages for torts allegedly committed by Deputy Kyle Jones while employed by the Colquitt County Sheriff's Office. After the court's prior dismissal order, only claims against Jones in his individual capacity remained. Plaintiff represented that she had reached a settlement with one previously named defendant that fully resolved the dispute, and Jones did not oppose dismissal.

PROCEDURAL HISTORY

Plaintiff filed the action in the Superior Court of Colquitt County, Georgia, seeking monetary damages for tort claims arising from conduct by Deputy Kyle Jones. The case proceeded in federal court, where the court granted in part and denied in part Jones's motion to dismiss and granted the motions to dismiss filed by Colquitt County and Sheriff Rod Howell, leaving only individual-capacity claims against Jones. Plaintiff then moved for voluntary dismissal, representing that she had negotiated a settlement with one previously named defendant; the court granted the motion and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Fisher v. P.R. Marine Mgmt., Inc., 940 F.2d 1502 (11th Cir. 1991) (per curiam)
- LeCompte v. Mr. Chip, Inc., 428 F.2d 601, 604 (5th Cir. 1971)

- *Arias v. Cameron*, 776 F.3d 1262, 1268 (11th Cir. 2015)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION AMANDA WEEKS,: Plaintiff,: v.: CASE NO.: 7:23-CV-77 (LAG)
COLQUITT COUNTY, GEORGIA,: COLQUITT COUNTY SHERIFF’S: OFFICE, SHERIFF
ROD HOWELL,: individually and in his official capacity as: Sheriff of Colquitt County, Deputy
Kyle: Jones, individually and in his official: Capacity as an employee of the Colquitt: County
Sheriff’s Office,: Defendants.: ORDER Before the Court is Plaintiff’s Motion to Dismiss.

(Doc 48). Plaintiff filed a Complaint in the Superior Court of Colquitt County, Georgia on May 31, 2023, seeking monetary damages as compensation for various torts committed by Defendant Deputy Kyle Jones, an employee of the Colquitt County Sheriff’s Office. (Doc. 1-2).

As of October 3, 2023, all Defendants have answered or otherwise responded to the Complaint. (See Doc. 27, 28). This Court, on March 24, 2025, granted in part and denied in part Defendant Jones’ Motion to Dismiss and granted Defendants Colquitt County and Sheriff Rod Howell’s Motion to Dismiss. (Doc. 40).

In so doing, the only remaining claims exist against Defendant Jones in his individual capacity. (See Doc. 40 at 26–27). Plaintiff, without stipulation of dismissal from Defendants, “requests this action be dismissed.” (Doc. 40 at 2). Plaintiff represents that since this Court’s March 24, 2025, Order “Plaintiff has successfully negotiated a settlement with one of the previously named Defendants and the settlement is a full resolution of the dispute at issue in this litigation.” (Doc.

48 at 1). The only remaining Defendant, Defendant Jones, did not respond nor object to Plaintiff’s Motion to Dismiss. (See Docket). Federal Rule of Civil Procedure 41(a)(2) provides that “except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” “[T]he decision whether or not to grant [a voluntary] dismissal is within the sound discretion of the district court....” *Fisher v. P.R.*

Marine Mgmt., Inc., 940 F.2d 1502, 1503 (11th Cir. 1991) (per curiam) (citing *LeCompte v. Mr. Chip, Inc.*, 428 F.2d 601, 604 (5th Cir. 1976)); Fed. R. Civ. P. 41(a)(2); see also *Arias v. Cameron*, 776 F.3d 1262, 1268 (11th Cir. 2015) (“A district court enjoys broad discretion in determining whether to allow a voluntary dismissal under Rule 41(a)(2).” (citations omitted)).

Furthermore, “in most cases a voluntary dismissal should be allowed unless the defendant will suffer some plain prejudice other than the mere prospect of a second lawsuit[.]” *Fisher*, 940 F.2d at 1502– 03. Here, as Defendants will not suffer plain prejudice as a result of the dismissal, Plaintiff’s Motion to Dismiss (Doc. 48) is therefore GRANTED, and this action is DISMISSED without prejudice.

SO ORDERED, this 9th day of January, 2026. /s/ Leslie A. Gardner LESLIE A. GARDNER,
CHIEF JUDGE UNITED STATES DISTRICT COURT

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