

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

**Samantha Weber v. Petersen Health Network, LLC d/b/a Flora
Gardens Care Center**

Weber · No. 23-cv-2344-JPG · Decided April 17, 2026

OPINION

Weber

PER CURIAM.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SAMANTHA WEBER,

Plaintiff, Vv. Case No. 23-cv-2344-JPG

PETERSEN HEALTH NETWORK, LLC d/b/a

Flora Gardens Care Center, Defendant.

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Samantha Weber's response (Doc. 45) to the Court's order for her to show cause why the Court should not dismiss this case for failure to prosecute because she did not timely file her September 2026 report on the status of the defendant's bankruptcy (Doc. 44). Weber responded with a notice of voluntary dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).. Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action without a court order at any time before the opposing party serves an answer or a motion for summary judgment. The notice itself effects the immediate dismissal of the suit; no further action by the Court is necessary. *Smith v. Potter*, 513 F.3d 781, 782 (7th Cir. 2008). The notice Weber filed, however, is not an effective notice under Rule 41(a)(1)(A)(i) because the defendant has filed an answer (Doc. 25). This is of little import because Weber's response makes it clear that she no longer wants to pursue this case. Therefore, pursuant to its show cause order, the Court DISMISSES this case without prejudice pursuant to Rule 41(b) for failure to prosecute and DIRECTS the Clerk of Court to enter judgment accordingly. IT IS SO ORDERED. DATED: April 17, 2026 (AL, 2 Shai

J. PHIL GILBERT

DISTRICT JUDGE