

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

EVERETT CHESTER CONLEY,
ADC #100841,
a/k/a Malik El Shabazz

PLAINTIFF

v.

No. 1:12-cv-128-DPM-JTR

JOHN FERGURSON, Lieutenant,
Independence County Jail, *et al.*

DEFENDANTS

ORDER

Conley has filed a motion to dismiss his complaint "with prejudice." But it is clear from the body of his paper that he is actually seeking permission to voluntarily dismiss without prejudice. The Defendants have not been served.

The motion for voluntary dismissal, *Document No. 6*, is granted, and Conley's complaint is dismissed without prejudice. FED. R. CIV. P. 41(a)(1). His embedded request for copies is granted. The Clerk is directed to mail Conley copies of his filings in this case. Conley's application to proceed *in forma pauperis*, *Document No. 1*, is denied as moot. The Court certifies that an *in forma pauperis* appeal would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

17 January 2013