

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
HELENA DIVISION**

DEREK MAURICE PARKS, SR.  
ADC #128186

PLAINTIFF

V.

NO: 2:09CV00153 JMM/HDY

JOE HUGHES *et al.*

DEFENDANTS

**PROPOSED FINDINGS AND RECOMMENDATIONS**

**INSTRUCTIONS**

The following recommended disposition has been sent to United States District Judge James M. Moody. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than eleven (11) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the District Judge, you must, at the same time that you file your written objections, include the following:

1. Why the record made before the Magistrate Judge is inadequate.
2. Why the evidence proffered at the hearing before the District Judge (if such a hearing is granted) was not offered at the hearing before the Magistrate Judge.

3. The detail of any testimony desired to be introduced at the hearing before the District Judge in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial evidence desired to be introduced at the hearing before the District Judge.

From this submission, the District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and "Statement of Necessity" to:

Clerk, United States District Court  
Eastern District of Arkansas  
600 West Capitol Avenue, Suite A149  
Little Rock, AR 72201-3325

#### **DISPOSITION**

Pending before the Court is what has been docketed as Plaintiff's motion to voluntarily dismiss his complaint (docket entry #4). In the motion, Plaintiff writes that he "would like to withhold proceeding" with his case. For good cause shown, Plaintiff's motion should be granted, and the complaint be dismissed without prejudice.

IT IS THEREFORE RECOMMENDED THAT Plaintiff's motion to voluntarily dismiss his complaint (docket entry #4) be GRANTED, and Plaintiff's complaint be DISMISSED WITHOUT PREJUDICE.

DATED this 9 day of October, 2009.

  
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UNITED STATES MAGISTRATE JUDGE