

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

**NATHANIEL L. FITZGERALD**

**PLAINTIFF**

**V.**

**CASE NO. 3:09CV00065 SWW-BD**

**DICK BUSBY, *et al.***

**DEFENDANTS**

**ORDER**

The Court has received the Partial Recommended Disposition from Magistrate Judge Beth Deere, recommending that the Court grant Plaintiff's motion to voluntarily dismiss Lindsay Peterson as a party defendant. After Judge Deere entered the recommended disposition, Plaintiff filed objections in which he states that he wishes to withdraw his motion for voluntary dismissal. While the Court makes no findings regarding the viability of Plaintiff's claims against Peterson, the Court declines to dismiss those claims on the basis of Plaintiff's motion for voluntary dismissal.

For the reasons stated, the Court finds that the partial recommended disposition (docket entry #88) and Plaintiff's motion to dismiss Lindsey Peterson as a party Defendant (docket entry #86) are MOOT.

IT IS SO ORDERED, this 23<sup>rd</sup> day of November, 2009.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE