

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

WALTER WILLIAMS

PLAINTIFF

v.

No. 3:09CV00146 JLH/JTR

DICK BUSBY,
Sheriff of Crittenden County, et al.

DEFENDANTS

ORDER OF DISMISSAL

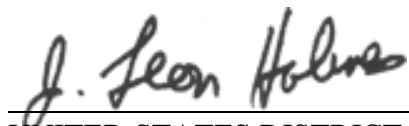
On August 24, 2009, Plaintiff, who is currently confined in the Crittenden County Detention Facility, commenced this *pro se* § 1983 action alleging that Defendants violated his constitutional rights. *See* docket entry #2. On September 2, 2009, the Court ordered service upon the Defendants. *See* docket entry #6. However, service has not yet been completed. On September 4, 2009, Plaintiff filed a Motion for Voluntary Dismissal. *See* docket entry #8.

Federal Rule of Civil Procedure 41(a)(1)(A)(i) provides that: “the plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Defendants have not been served, nor have they filed any pleadings in this case. Accordingly, Plaintiff is entitled to a voluntary dismissal of this action.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff’s Motion for Voluntary Dismissal (docket entry #8) is GRANTED, and this case is VOLUNTARILY DISMISSED, WITHOUT PREJUDICE.
2. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order of Dismissal and the accompanying Judgment would not be taken in good faith.

Dated this 9th day of September, 2009.

Handwritten signature of J. Leon Holmes in black ink.

UNITED STATES DISTRICT JUDGE