

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

WALTER WILLIAMS

PLAINTIFF

v.

Case No. 3:09CV00201JLH/HLJ

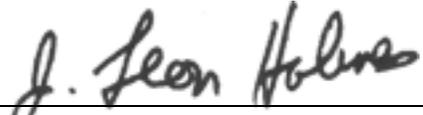
MS. MOBLEY, et al.

DEFENDANTS

**ORDER**

The Court has received proposed findings and recommendations from United States Magistrate Judge Henry L. Jones, Jr., recommending that the complaint of Walter Williams be dismissed for failure to state a claim. Williams has not objected. He has, however, filed a motion to dismiss his action in which he says he wishes to withdraw the claim. Rule 41(a)(1)(A) provides that a 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. Here, no defendant has been served and no defendant has appeared to respond to the complaint. Therefore, Williams is entitled to dismiss this action pursuant to Rule 41(a)(1)(A). This action is dismissed without prejudice.

IT IS SO ORDERED this 22nd day of December, 2009.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE