

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

BRIAN NICHOLS and  
WANDA NICHOLS, Husband and Wife

PLAINTIFFS

v. No. 3:11CV00101 JLH

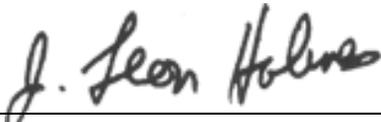
BNSF RAILWAY COMPANY, d/b/a THE  
BURLINGTON NORTHERN AND  
SANTA FE RAILWAY COMPANY; and  
CHRISTOPHER A. AVERY

DEFENDANTS

**ORDER**

Without objection, the motion to dismiss Christopher A. Avery is GRANTED. Document #11. The plaintiffs' complaint against Christopher A. Avery is dismissed without prejudice.

IT IS SO ORDERED this 3rd day of July, 2012.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE