

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

KHALDOUN CHAWICH

PLAINTIFF

V.

NO: 3:14CV00145 PSH

DALE COOK *et al*

DEFENDANTS

ORDER

On April 19, 2016, defendants Melvin and Petty filed a motion to dismiss plaintiff Khaldoun Chawich's complaint with prejudice pursuant to FED.R.CIV.P. 41(b), asserting that Chawich has failed to respond to their discovery requests, despite being ordered to do so (Doc. No. 57). In response, counsel for Chawich has filed a motion seeking to voluntarily dismiss the complaint without prejudice pursuant to FED.R.CIV.P. 41(a)(2), or in the alternative to grant plaintiff additional time to comply with the discovery requests.

Chawich's counsel indicates in her motion that she has been unable to communicate with Chawich, and it is not clear that granting Chawich additional time to respond to discovery requests would be fruitful. However, under the circumstances, the dismissal should be without prejudice. Accordingly, Chawich's motion to voluntarily dismiss his complaint (Doc. No. 59) is GRANTED, and Chawich's complaint is DISMISSED WITHOUT PREJUDICE. All other pending motions are DENIED AS MOOT. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

IT IS SO ORDERED this 25th day of April, 2016.



UNITED STATES MAGISTRATE JUDGE