

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

RONDA SMITH

PLAINTIFF

v.

NO. 3:16-cv-00117 PSH

CAROLYN W. COLVIN, Acting Commissioner
of the Social Security Administration

DEFENDANT

ORDER

Plaintiff Ronda Smith ("Smith") has filed the pending motion to dismiss without prejudice. See Document 6. In the motion, she represented the following:

On April 11, 2016, the Appeals Council denied [Smith's] claim for disability benefits and advised her to seek judicial review within 60 days if she wished to appeal. [She] subsequently commenced this civil action, No. 3:16CV00117PSH. Subsequent to the commencement of the civil action, [she] submitted new evidence to the Appeal Council. As a result, the Appeals Council *vacated its April 11, 2016, decision* and issued a new decision denying the claim again on May 13, 2016. In its May 13, 2016, decision, the [Appeals] Council advised that [Smith] should file a civil action within 60 days if she wished to appeal. [She] subsequently commenced a civil action under No. 3:16CV00142JJV.

Since the Appeals Council vacated its April 11, 2016, decision which was the subject of the civil action in No. 3:16CV00117PSH, [Smith] wishes to dismiss this action without prejudice and proceed with her appeal under case No. 3:16CV00142JJV.

See Document 6 at CW ECF 1. [Emphasis in original].

For good cause shown, and for the reasons articulated in Smith's motion to dismiss, the motion is granted. See Fed.R.Civ.P. 41. The complaint at bar is dismissed without prejudice.

IT IS SO ORDERED this 2nd day of June, 2016.



UNITED STATES MAGISTRATE JUDGE