

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

**JANET BRATTON**

**PLAINTIFF**

**V.**

**4:08CV002369JMM**

**ABF FREIGHT SYSTEM, INC.  
BENNY JOE LYBARGER**

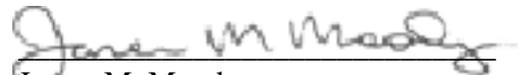
**DEFENDANTS**

**ORDER**

Plaintiff has filed a motion for voluntary nonsuit. The Court finds that Plaintiff's motion (Docket # 2) should be, and hereby is, GRANTED. The Clerk is directed to close the case.

The Court notes that Plaintiff's right to re-file the case against this Defendant is subject to the provisions of Rule 41(d) of the Federal Rules of Civil Procedure. Under Rule 41(d), the Plaintiff may be ordered to pay any costs of this action which the Court deems appropriate if Plaintiff re-files the action against the Defendant.

IT IS SO ORDERED this 10<sup>th</sup> day of February 2009.



James M. Moody  
United States District Judge