

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

**JOHN BEVANS**

**PLAINTIFF**

**V.**

**CASE NO. 4:09CV0016 BSM**

**CITY OF CONWAY; MAYOR TAB TOWNSELL,  
Individually and In His Official Capacity as Mayor  
of Conway; CITY COUNCIL MEMBERS ANDY  
HAWKINS; DAVID GRIMES; MARK VAUGHT;  
SHELLY MEHL; JACK BELL; MARY SMITH;  
THEODORE JONES, JR.; SHELIA WHITMORE,  
Individually and In Their Official Capacity as City  
Council Members for CONWAY; THE CONWAY  
POLICE DEPARTMENT; POLICE CHIEF  
A.J. GARY, Individually and In His Official Capacity  
as Police Chief of the Conway Police Department;  
JASON CAMERON, Individually and In His  
Official Capacity as a Conway Police Officer; and  
JOHN DOES #1 and #2**

**DEFENDANTS**

**ORDER**

Plaintiff and separate defendant, City of Conway, Arkansas, move the court to dismiss the Conway Police Department from this case; however, plaintiff seeks to dismiss the police department without prejudice [Doc. No. 16], while the city seeks to dismiss the police department with prejudice [Doc. No. 8]. The motions are well taken and, out of caution, the court dismisses the Conway Police Department, without prejudice.

IT IS SO ORDERED this 18th day of February, 2009.

  
UNITED STATES DISTRICT JUDGE