

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

**ALBERT USSERY, On behalf of himself  
and all others similarly situated**

**PLAINTIFF**

**v.**

**Case No. 4:09-CV-00801 BSM**

**CHARLES HOLLADAY, et al.**

**DEFENDANTS**

**ORDER**

Because the defendants do not oppose plaintiff Albert Ussery's request to dismiss his class claims without prejudice and his individual claims with prejudice, Ussery's motion to dismiss (Doc. No. 28) is granted. Each party will bear its own costs and fees.

IT IS SO ORDERED this 20<sup>th</sup> day of June, 2010.

  
UNITED STATES DISTRICT JUDGE