

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

JASON KEATHLEY

PLAINTIFF

v.

4:11CV00242-BRW

RANDY MURRAY, et al.

DEFENDANTS

ORDER

Pending is Plaintiff’s Motion to Voluntarily Dismiss Case (Doc. No. 6). Plaintiff indicates that his complaint was inadvertently filed by a family member, and he does not want to pursue the matter at this time. Defendants have not answered Plaintiff’s complaint.¹ Thus under Federal Rule of Civil Procedure 41(a)(1)(A)(I) voluntary dismissal is not proper. Plaintiff’s Motion to Voluntarily Dismiss Case is GRANTED.

Accordingly, Plaintiff’s case is DISMISSED without prejudice.

IT IS SO ORDERED this 30th day of March, 2011.

/s/Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

¹Although Magistrate Judge H. David Young submitted a Partial Report and Recommendations (Doc. No. 4) recommending that the Van Buren County Detention Center be dismissed as a party with prejudice, because the jail is not a separate entity from the county, and is not subject to suit. See *Owens v. Scott County Jail*, 328 F.3d 1026, 1027 (8th Cir. 2003).