

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

**SCOTT VEST, on behalf  
of himself and all others  
similarly situated**

**PLAINTIFF**

v.

**Case No.: 4:11-cv-364-KGB**

**RAY PENNINGTON, individually  
and in his official capacity; and  
DAN MCDONALD in his official capacity**

**DEFENDANTS**

**ORDER**

Plaintiff Scott Vest brings this claim pursuant to 42 U.S.C. § 1983 and the Arkansas Civil Rights Act against Ray Pennington, individually and in his official capacity, and Dan McDonald in his official capacity. Mr. McDonald moved for summary judgment (Dkt. No. 50). Mr. Vest responded by requesting an order abandoning his claim against Mr. McDonald (Dkt. No. 60). In his response, Mr. Vest moves to dismiss with prejudice his claim against Mr. McDonald.

Mr. McDonald's motion for summary judgment is conceded by Mr. Vest and granted (Dkt. No. 50). Mr. Vest's claims against Mr. McDonald are dismissed with prejudice.

SO ORDERED this the 20th day of February, 2013.



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Kristine G. Baker  
United States District Judge