

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

LARRY CRAIG RUSSELL

PLAINTIFF

v.

No. 4:11-cv-764-DPM

MOTOROLA, INC. MOBILE
BUSINESS DEVICES; DOROTHY
HODGES; SUSAN KANE; MATTHEW
QUIGLEY; JOHN MARTENS; and
RUSSELL CELLULAR-VERIZON

DEFENDANTS

ORDER

The individual defendants' motion to dismiss is granted. Russell's *pro se* complaint makes no allegation that Hodges, Kane, Quigley, or Martens were involved in designing, making, or selling the allegedly defective telephone. Russell says, *Document No. 16*, that he needs these individuals' testimony to make his case at trial. Fine. A person may be a witness in a case without being a party to the case. The Court urges Russell to review the Federal Rules of Civil Procedure because he must follow them. *E.g.*, FED. R. CIV. P. 32 (on using depositions in court proceedings).

Motion, *Document No. 13*, granted. All Russell's claims against Dorothy Hodges, Susan Kane, Matthew Quigley, and John Martens are dismissed

without prejudice for failure to state a claim. The Court directs the Clerk to terminate all these individuals as parties.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

15 February 2012
