

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

RANDY A. SMITH

PLAINTIFF

v.

Case No. 4:12-cv-00003 KGB

UNITED STATES OF AMERICA

DEFENDANT

ORDER

Before the Court is defendant United States of America's motion for summary judgment (Dkt. No. 15) and plaintiff Randy Smith's motion to dismiss without prejudice (Dkt. No. 22). The United States of America has responded to Mr. Smith's motion to dismiss, requesting that the Court grant its motion for summary judgment but stating that it does not object to Mr. Smith's motion to dismiss (Dkt. No. 23).

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, the Court grants Mr. Smith's motion to dismiss without prejudice (Dkt. No. 22). Should Mr. Smith choose to refile this action, he shall reimburse defendant United States of America its expert witness fees and all other reasonable costs, which shall be determined at that time upon proper motion by the defendant. The United States of America's motion for summary judgment is denied as moot (Dkt. No. 15).

SO ORDERED this 15th day of October, 2013.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE