

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

MICHAEL J. FEGANS,
REG. #042-06010

PLAINTIFF

v.

5:04CV00155HLJ

CORRECTIONAL MEDICAL
SERVICES, INC., et al.

DEFENDANTS

ORDER

This matter is before the Court on several motions filed by the parties (DE ##212, 213, 231, 236), in addition to plaintiff's motion to voluntarily dismiss this action, without prejudice (DE #237). Defendants object to dismissal of this action without prejudice (DE #238).¹

Pursuant to Fed.R.Civ.P. 41(a)(2), plaintiff's motion to voluntarily dismiss this action may be granted on terms which the Court considers proper. In addition, the dismissal is without prejudice, unless the Order states otherwise. Having reviewed the record of this case and noting the history of plaintiff's appointed and retained counsel, the Court finds dismissal without prejudice to be the proper and fair course in this matter. Accordingly,

IT IS, THEREFORE, ORDERED that plaintiff's motion to voluntarily dismiss this case without prejudice (DE #237) is hereby GRANTED.

IT IS FURTHER ORDERED that all other pending motions are hereby DENIED as moot.

An appropriate Judgment shall accompany this Order.

¹

The attorney for the medical defendants notified the Court by telephone of defendants' objection to dismissal without prejudice.

IT IS SO ORDERED this 20th day of February, 2009.

Henry L. Jones, Jr.

United States Magistrate Judge