

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

RICKY TERRY, et al.

PLAINTIFFS

v.

5:07CV00263-WRW

WILLIAM “BUD” DUNCAN, MD.

DEFENDANT

ORDER

Pending is Plaintiffs' Motion in Limine (Doc. No. 11) in which Plaintiffs ask the Court to declare Ark. Code Ann. § 16-55-212(b) unconstitutional. Defendant has responded.¹

The Arkansas Supreme Court recently accepted certification of this issue.² Accordingly, Plaintiffs' Motion is DENIED without prejudice.

IT IS SO ORDERED this 15th day of January, 2009.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹Doc. No. 12.

²No. 1:06-CV-00017-JLH, Doc. No. 141 (E.D. Ark. Sept. 12, 2008).