

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

**CURTIS PITTMAN, ADC #119869,  
and TERRY PROCTOR, ADC #87410**

**PLAINTIFFS**

**v.**

**5:08CV00228 BSM/HLJ**

**KENNY FRAZIER, et al.**

**DEFENDANTS**

**ORDER**

Before the court is a motion to voluntarily dismiss filed by plaintiff Terry Proctor. In previous communications to the court, Proctor has asserted that he is “not a party to Mr. Pittman’s case,” and only filed this action for Curtis Pittman because Pittman is “mentally insane.” In the motion to dismiss, Proctor alleges that, “Due to the disciplinaries and threats, I hereby dismiss this action without prejudice and am going to mind my own business before I end up dead.”

The court finds that Proctor’s motion for voluntary dismissal is well taken and should be granted with regard to any claims that Proctor may have had against defendants. The court, however, will not dismiss Pittman’s claims at this time because both Proctor and Pittman signed the complaint, and nothing in the record indicates that Pittman has notice of Proctor’s motion to dismiss. The court further finds that Pittman should be given an opportunity to notify the court whether he intends to continue with this litigation.

Accordingly, Terry Proctor’s motion to voluntarily dismiss (Doc. No. 7) is GRANTED as stated herein. To the extent that Proctor had any claims before the court, those claims are dismissed. The United States District Court Clerk is directed to send a copy

of this order, as well as a copy of Proctor's motion to voluntarily dismiss, to plaintiff Curtis Pittman. Pittman has until October 27, 2008, to file a statement notifying the court that he intends to pursue his case. If the court does not receive notice from Pittman by October 27, 2008, the court will dismiss this case.

IT IS SO ORDERED this 25th day of September, 2008.

  
UNITED STATES DISTRICT JUDGE