

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

**ERIC C. BURGIE  
ADC #120956**

**PLAINTIFF**

**V.**

**CASE NO. 5:09CV00136 JMM/BD**

**DARRYL GOLDEN, *et al.***

**DEFENDANTS**

**ORDER**

Plaintiff has filed a motion to voluntarily dismiss this action. (Docket entry #130)

In the motion, Plaintiff explains that he wants additional time to fully exhaust his administrative remedies and asks that this matter be stayed.<sup>1</sup> In addition, Plaintiff asks that the Court order Defendants to preserve all materials that were confiscated from Plaintiff's cell on March 18, 2010. Defendants do not object to Plaintiff's motion. (#131)

Plaintiff's motion (#130) is GRANTED, and his claims are DISMISSED without prejudice. The Defendants are ordered to continue to preserve the materials that were confiscated from Plaintiff on March 18, 2010, and to preserve the publication at issue in this lawsuit, *The Complete Book of Voodoo*. Plaintiff's motion to compel (#114) is DENIED as moot.

IT IS SO ORDERED this 21<sup>st</sup> day of September, 2010.

  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Plaintiff states that he would like this matter "stayed," but also asks that the case be dismissed so that he can re-file these claims in the future. Under settled law, the court has jurisdiction only over claims that have been exhausted.