

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

MARCUS TONEY

PLAINTIFF

v.

5:10CV00054


**UNION PACIFIC RAILROAD
COMPANY**

DEFENDANTS

ORDER

Pending is Defendant's motion for summary judgment. (Docket # 27). Defendant asks the Court, in part, to grant summary judgment on Plaintiff's cumulative trauma claim. Based on the pleadings filed, this claim has been abandoned. Accordingly, Defendant's motion for summary judgment seeking the dismissal of Plaintiff's cumulative trauma claim is denied as moot.

IT IS SO ORDERED this 30th day of September, 2011.


JAMES M. MOODY
UNITED STATES DISTRICT JUDGE