

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

**WINSTON HOLLOWAY,  
ADC # 67507**

**PLAINTIFF**

v.

**CASE NO. 5:10-cv-00067-BSM-JJV**

**REX GAYLON LAY, et al.**

**DEFENDANTS**

**ORDER**

Plaintiff moves to dismiss without prejudice defendants Aundrea Weekly and Randy Patoka. [Doc. No. 34]. Plaintiff states the parties have agreed to dismiss defendants Weekley and Patoka without prejudice on the following terms:

1. All claims plaintiff asserted in this action against defendants Weekley and Patoka are dismissed without prejudice.
2. Weekley and Patoka will be available to provide testimony at the trial of this cause of action currently scheduled for the week of June 20, 2011, without the necessity of a subpoena, or service thereof, to command their attendance.
3. Each party shall bear its own costs, expenses, and attorneys' fees.

In accordance with these terms, the motion to dismiss [Doc. No. 34] is GRANTED.

IT IS SO ORDERED this 23rd day of May, 2011.

  
UNITED STATES DISTRICT JUDGE

