

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

WALTER SCOTT, JR.

PLAINTIFF

V.

5:10CV00138 JMM

MAYOR CARL A. REDUS, et al.

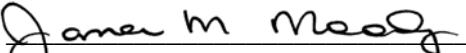
DEFENDANTS

ORDER GRANTING MOTION TO DISMISS

Pending is the Plaintiff's Motion to Dismiss Without Prejudice Defendant Ahmad Pace pursuant to Rule 41 of the Federal Rules of Civil Procedure. Defendant Pace does not object to the motion. The Court finds that Plaintiff's motion (Docket # 95) should be, and hereby is, GRANTED. The Court notes that Plaintiff's right to re-file the claim against the Defendant is subject to the provisions of Rule 41(d) of the Federal Rules of Civil Procedure. Under Rule 41(d), the Plaintiff may be ordered to pay any costs of this action which the Court deems appropriate if Plaintiff re-files the claim against Defendant Pace.

The motion to dismiss (Docket # 95) is GRANTED. The Clerk is directed to close the case. The trial scheduled for February 27, 2012 is cancelled.

IT IS SO ORDERED this 15th day of February, 2012.


James M. Moody
United States District Judge