

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

**RONALD DEE O'NEAL
ADC# 128560**

PLAINTIFF

v.

CASE NO. 5:10CV00153 BSM-JJV

**CORRECTIONAL MEDICAL
SERVICES INC. et al.**

DEFENDANTS

ORDER

On May 21, 2010, plaintiff Ronald O'Neal filed a *pro se* complaint pursuant to 42 U.S.C. § 1983, alleging, among other things, that Defendant Wendy Kelley violated his Fourteenth and Eighth Amendment rights. Kelley filed a motion to dismiss [Doc. No. 91] which asserts that O'Neal's claims against her should be dismissed for failure to exhaust administrative remedies, as required by the Prison Litigation Reform Act.

O'Neal responded [Doc. No. 93] and admits he failed to properly exhaust his administrative remedies, stating he wishes to voluntarily withdraw his claims against Kelley. Accordingly, Kelley's motion to dismiss [Doc. No. 91] is granted, and O'Neal's claims against her are dismissed without prejudice.

IT IS SO ORDERED this 18th day of May, 2011.


UNITED STATES DISTRICT JUDGE