

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

BEVERLY D. BURKETT

PLAINTIFF

v.

No. 5:11CV00170 JLH

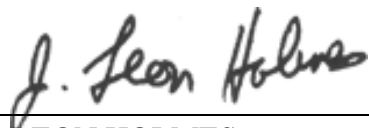
THOMAS J. VILSACK, in his official capacity  
as Secretary, U.S. DEPARTMENT OF AGRICULTURE

DEFENDANT

**ORDER**

Linda Newkirk has filed a motion to dismiss the complaint against her, arguing that the plaintiff's sole remedy is under Title VII, and the only proper defendant is Thomas Vilsack, in his official capacity as Secretary of the Department of Agriculture. The plaintiff has not responded to the motion to dismiss. The motion to dismiss appears to be meritorious and therefore, without objection, will be granted. Document #5. Beverly Burkett's claims against Linda Newkirk, in her individual and official capacity as State Director of the Farm Service Agency for the Department of Agriculture, are dismissed.

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

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE