

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

JAMES EDWARD SMITH  
ADC #103093

PLAINTIFF

v.

No. 5:12-cv-409-DPM

T. DOBBS, Varner Unit, ADC

DEFENDANT

ORDER

1. Status report, *No. 89*, noted and appreciated. Smith's motion to withdraw his appeal, *No. 89*, is granted. His appeal is dismissed without prejudice. FED. R. APP. P. 42(a). Counsel's motion to withdraw, *No. 82*, is also denied without prejudice based on the status report.

2. The Court construes the status report as a motion to voluntarily dismiss. *No. 89*. The motion is granted. FED. R. CIV. P. 41(a)(2). Smith's claims against Dobbs will be dismissed without prejudice.

3. Smith's motion for default is denied without prejudice as moot. *No. 72*. The pending recommendation is declined as moot. *No. 87*.

4. The Court appreciates appointed counsel's service. Any motion for reimbursement of expenses, LOCAL RULE 83.6, due by 13 November 2017.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.  
United States District Judge

30 October 2017