

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

ANDREA LOYCE PAYNE

PLAINTIFF

VS.

5:13CV00318 JM

**THE UNIVERSITY OF ARKANSAS SYSTEM
by and through its Board of Trustees; ELBERT BENNETT,
Vice Chancellor of Student Affairs, University of Arkansas at
Pine Bluff, in his official and his individual capacities; and
MARY M. JONES, in her official and individual capacities**

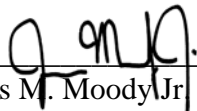
DEFENDANTS

ORDER

Pending is Plaintiff's motion to voluntarily dismiss her case. (Docket #62). Defendants have filed a response and object to the dismissal without prejudice. The Court finds that the motion should be, and hereby is, granted. The case is hereby dismissed without prejudice.¹

The Court notes that Plaintiff's right to re-file the case against these Defendants 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 upon filing the same claim against the same defendant. Additionally, because this action was filed over three years ago and Plaintiff has had sufficient time to conduct discovery, if Plaintiff re-files her case, no additional discovery will be allowed.

IT IS SO ORDERED this 16th day of December, 2016.



James M. Moody Jr.
United States District Judge

¹The pending motion for summary judgment is denied as moot.