

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

DALE HAYDEN

PLAINTIFF

VS.

CASE NO. 08-4050

NEVADA COUNTY, ARKANSAS,
et al.,

DEFENDANTS

ORDER

Before the Court is separate Defendant Danny Rogers's Motion to Dismiss. (Doc. 5). Plaintiff Dale Hayden responded. (Doc. 7). Defendant Rogers replied. (Doc. 9). For reasons discussed in the Memorandum Opinion of even date, the Court finds that separate Defendant Danny Rogers's Motion to Dismiss is **GRANTED**. Plaintiff's Constitutional violation claims, brought pursuant to 42 U.S.C. section 1983, against Defendant Rogers in his individual and official capacity are dismissed with prejudice. Plaintiff's pendent state claims are dismissed without prejudice.

IT IS SO ORDERED, this 6th day of March, 2009.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge