

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

THOMAS DUNN

PLAINTIFF

v.

Civil No. 4:08-cv-04115

SAM RANDALL HARRIS,  
Agent, Federal Bureau of Investigation;  
ALLEN J. WINCHELL; and  
SHERRY WINCHELL

DEFENDANTS

**REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE**

The Plaintiff, Thomas Dunn, filed this civil rights action on December 1, 2008. He proceeds *pro se* and *in forma pauperis*. Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3)(2007), the Honorable Harry F. Barnes, United States District Judge, referred this case to the undersigned for the purpose of making a report and recommendation.

On December 8, 2008, Plaintiff filed a motion to dismiss the case (Doc. 6). In his motion, Plaintiff indicates he is being transferred to federal prison in California and does not currently desire to proceed with this case. He asks that the case be dismissed without prejudice.

I recommend that the motion to dismiss (Doc. 6) be granted and the case be dismissed without prejudice. **Mr. Dunn has ten days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The Mr. Dunn is reminded that objections must be both timely and specific to trigger de novo review by the district court.**

DATED this 5th day of January 2009.

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
UNITED STATES MAGISTRATE JUDGE