

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

DELRAE MCKENZY SMITH

PLAINTIFF

v.

Civil No. 4:14-cv-04126

LT. ADAMS, *et al.*

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed September 15, 2016, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 45). Judge Bryant recommends that the Court grant Plaintiff's oral Motion to Dismiss Nurse Bruce as a Defendant pursuant Federal Rule of Civil Procedure 41(a)(2) without prejudice. No party has filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, the Court adopts the Report and Recommendation *in toto*. Accordingly, Plaintiff's oral Rule 41(a)(2) Motion to Dismiss Nurse Bruce as a Defendant is **GRANTED** and Defendant Nurse Bruce is hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 12th day of October, 2016.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge