

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

**WILLIE MUNN and
MARY ELIZA MUNN**

PLAINTIFF

v.

Civil No. 4:15-cv-04072

**CRISSY HUNT; CASEY PARKER;
JAILER DUSTIN WAKEFIELD;
JOE KUHN; ASHLEY VAILES; and
ARKANSAS PAROLE BOARD & GOVERNMENT**

DEFENDANTS

ORDER

Plaintiff Willie Munn proceeds in this matter *pro se* and *in forma pauperis* pursuant to 42 U.S.C. § 1983. Currently before the Court is Plaintiff's Motion to Withdraw Notice of Appeal. ECF No. 21.

On October 27, 2015 this Court entered a Report and Recommendation of the Magistrate Judge dismissing Plaintiff's Complaint based on the accumulation of three strikes in cases filed in this district and the Eastern District of Arkansas. ECF No. 12. On February 2, 2016 Plaintiff filed a Motion for Leave to Appeal. ECF No. 15. This Court withdrew the Report and Recommendation (ECF No. 12) on April 14, 2016. On April 18, 2016 Plaintiff filed a second Motion for Leave to Appeal. ECF No. 17. Plaintiff's appeal has been docketed by the Eighth Circuit. On May 11, 2016 Plaintiff filed a Motion to Withdraw Notice of Appeal. ECF No. 21.

The Court finds Plaintiff's Motion to Withdraw Notice of Appeal should be transferred to the United States Court of Appeals for the Eighth Circuit for decision as a Motion to Dismiss. The Clerk is **DIRECTED** to transfer Plaintiff's Motion to Withdraw Appeal (ECF No. 21) to the Eighth Circuit.

DATED this 18th day of May 2016.

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