

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

JARED HIGGS, *Individually and as  
Special Administrator of the Estate of  
HEATHER HIGGS, Deceased*

PLAINTIFFS

v.

Civil No. 4:16-cv-04079

PNK, INC. *et al*

DEFENDANTS

**MEMORANDUM OPINION**

On August 2, 2019, Plaintiff filed this Motion to Dismiss. ECF No. 40. According to Plaintiff, all matters of fact and things in controversy have been fully and finally compromised and settled by and between the parties. *Id.* Further, Plaintiff states he no longer desires to prosecute this cause of action as alleged in Plaintiff's Petition on file herein. *Id.* Defendants have not objected to this motion. The parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. ECF No. 33. Pursuant to this authority, the Court issues this memorandum opinion and orders the entry of a final judgment in this matter.

Absent any pending counterclaims, a court is authorized to dismiss a case at the Plaintiff's request on the terms that the court considers proper. FED. R. CIV. P. 41(a)(2). Defendants have asserted no counterclaims and have not objected to this motion. After taking into consideration said Motion, the Court finds the Plaintiff's motion should be **GRANTED** and Plaintiff's case be dismissed with prejudice, with costs to be assessed against the party incurring same.

**ENTERED this 23rd day of August, 2019.**

*/s/ Barry A. Bryant*

HON. BARRY A. BRYANT  
U.S. MAGISTRATE JUDGE