

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

TIMOTHES W. STANFORD

PLAINTIFF

v.

Civil No. 4:17-cv-04081

SHIFT SUPERVISOR JANA TALLANT;
SHERIFF BRIAN MCJUNKINS, Howard
County, Arkansas; and NURSE RHONDA
HOWARD, Southwest Arkansas Mental Health

DEFENDANTS

ORDER

This is a civil rights action filed by Plaintiff, Timothe W. Stanford, pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff's Motion to Dismiss. (ECF No. 23).

Plaintiff filed his Complaint and Application to proceed *in forma pauperis* ("IFP") on September 19, 2017. (ECF Nos. 1, 2). In his Complaint Plaintiff named Jana Tallant, Sheriff Brian McJunkins, and Nurse Rhonda Howard as Defendants. Plaintiff's application to proceed IFP was granted on September 20, 2017, and the Court ordered service on Defendants. (ECF Nos. 6, 7). Defendants Tallant and McJunkins filed their Answer on October 19, 2017. (ECF No. 13). Defendant Howard filed her Answer on November 1, 2017. (ECF No. 21).

Plaintiff filed a Motion to Dismiss his Complaint on November 21, 2017, stating "I was assaulted by an inmate . . . on 11-15-17 and taken to the hospital. . . . I believe it will be a good idea to wait until I can attain or retain an attorney. . . . I also believe it will be a good idea to wait on pursuing this civil suit until I can get or have access to a law library and copying machine." (ECF No. 23).

The Federal Rules of Civil Procedure provide an avenue for parties to voluntarily dismiss claims without prejudice. *See* Fed. R. Civ. P. 41. Defendants have not objected to Plaintiff's

Motion to Dismiss. Accordingly, Plaintiff's Motion to Dismiss (ECF No. 23) is **GRANTED**.

Pursuant to Fed. R. Civ. P. 41(a)(2), the Complaint is **DISMISSED WITHOUT PREJUDICE**

IT IS SO ORDERED, this 14th day of February, 2018.

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