

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

ANTHONY JEWELL, individually  
and on behalf of all others similarly situated

PLAINTIFF

v.

Case No. 4:19-cv-4088

WALMART INC. and  
DOES 1-100

DEFENDANTS

**ORDER**

Before the Court is the Plaintiff Anthony Jewell's Motion to Dismiss Without Prejudice. (ECF No. 39). Defendant Walmart, Inc. has not responded and its time to do so has passed. Local Rule 7.2(b). The Court finds the matter ripe for consideration.

Plaintiff seeks to nonsuit this case without prejudice. An action may be dismissed by court order at a plaintiff's request, on terms the Court considers proper. Fed. R. Civ. P. 41(a)(2). "Voluntary dismissal under Rule 41(a)(2) should not be granted if a party will be prejudiced by the dismissal." *Adams v. USAA Cas. Ins. Co.*, 863 F.3d 1069, 1079 (8th Cir. 2017).

Upon consideration, the Court finds that good cause exists for the motion. A class has not been certified in this action and Defendant has not argued that it would be prejudiced by dismissal. Accordingly, Plaintiff's motion to dismiss (ECF No. 39) is hereby **GRANTED**. Plaintiff's claims in this case are **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED**, this 27th day of May, 2020.

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