

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**TIMOTHY WAYNE PAUL, JR.**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 2:16-cv-5-KS-MTP**

**SHERIFF DANNY RIGEL, ET AL.**

**DEFENDANTS**

**ORDER**

THIS MATTER is before the Court on Plaintiff's Motion to Dismiss [58]. Plaintiff filed this action on January 8, 2016. On October 3, 2016, Defendants filed a Motion for Summary Judgment [49]. On October 25, 2016, Plaintiff filed a Motion to Stay [55]. In the Motion to Stay, Plaintiff explains that his claims relate to the conditions of confinement at the Lamar County Jail and possible exposure to infectious diseases. Plaintiff further explains that he was recently tested for infectious diseases and the results were negative. Prior to receiving a ruling on his Motion to Stay, Plaintiff filed a Notice of Voluntary Dismissal [58]. The Court construed this pleading as a motion to dismiss without prejudice and afforded Defendants an opportunity to respond to the motion. *See Order [59].*<sup>1</sup> Defendants did not file a response. The Court finds that the Motion to Dismiss [58] should be granted.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Motion to Dismiss [58] is GRANTED;
2. All pending motions are denied as moot;
3. This action is DISMISSED without prejudice; and
4. A separate judgment in accordance with Federal Rule of Civil Procedure 58 will be filed herein.

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<sup>1</sup> The Court informed Defendants that the Motion [58] would be considered without a response if one was not filed on or before December 23, 2016.

SO ORDERED this the 3rd day of January, 2017.

s/Keith Starrett  
UNITED STATES DISTRICT JUDGE