

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

TERRY GOODEN

PLAINTIFF

v.

CIVIL ACTION NO. 5:16-cv-92-DCB-MTP

SHERIFF TRAVIS PATTON

DEFENDANT

consolidated with

TERRY GOODEN

PLAINTIFF

v.

CIVIL ACTION NO. 5:16-cv-93-DCB-MTP

SHERIFF TRAVIS PATTON

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation (docket entry 27 in *Gooden v. Patton*, 5:16-cv-92-DCB-MTP; docket entry 22 in *Gooden v. Patton*, 5:16-cv-93-DCB-MTP), to which no objections have been filed.¹ Having carefully reviewed the same, the Court finds that the Report and Recommendation is well-taken and should be adopted.

Shortly after the Court scheduled an omnibus hearing for the above styled cases, Plaintiff Terry Gooden ("Gooden") filed two motions to dismiss in *Gooden v. Patton*, 5:16-cv-92-DCB-MTP. See Docs. 24, 26.² Within his motions to dismiss, Gooden states that he does not wish to represent himself and requests that both of

¹ The Court consolidated the above styled cases on June 14, 2017.

² Gooden's amended motion to dismiss (docket entry 26) was also filed in *Gooden v. Patton*, 5:16-cv-93-DCB-MTP (docket entry 23). Though the amended motion appears to have been entered on the docket in *Gooden v. Patton*, 5:16-cv-93-DCB-MTP after the Report and Recommendation, the Court observes that Gooden's motion is a copy of the second motion to dismiss filed in *Gooden v. Patton*, 5:16-cv-92-DCB-MTP, which Judge Parker considered in making his report.

his cases be dismissed. Id. Having found that the plaintiff desires to voluntarily dismiss his pending actions without objection from the defendant, the Court adopts the Report and Recommendation and shall grant the plaintiff's motions to dismiss, hereby dismissing all claims asserted in *Gooden v. Patton*, 5:16-cv-92-DCB-MTP and *Gooden v. Patton* 5:16-cv-93-DCB-MTP without prejudice.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Michael T. Parker's Report and Recommendation (docket entry 27 in *Gooden v. Patton*, 5:16-cv-92-DCB-MTP; docket entry 22 in *Gooden v. Patton*, 5:16-cv-93-DCB-MTP) is ADOPTED as the findings and conclusions of this Court;

FURTHER ORDERED that the plaintiff's Motion to Dismiss (docket entry 24 in *Gooden v. Patton*, 5:16-cv-92-DCB-MTP), Amended Motion to Dismiss (docket entry 26 in *Gooden v. Patton*, 5:16-cv-92-DCB-MTP), and Amended Motion to Dismiss (docket entry 23 in *Gooden v. Patton*, 5:16-cv-93-DCB-MTP) are GRANTED;

FURTHER ORDERED that all claims asserted in *Gooden v. Patton*, 5:16-cv-92-DCB-MTP and *Gooden v. Patton*, 5:16-cv-93-DCB-MTP are dismissed without prejudice.

A final judgment dismissing the cases without prejudice will follow in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED, this the 14th day of August, 2017.

/s/ David Bramlette

UNITED STATES DISTRICT JUDGE