

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BANK OF AMERICA, N.A.,)	
)	
Plaintiff)	
)	
vs.)	CIVIL ACTION NO. 11-0290-CG-C
)	
W. E. DAVIS & SONS)	
CONSTRUCTION CO, INC., <u>et al.</u>,)	
)	
Defendants.)	

ORDER

This matter is before the court on the plaintiff's motion to dismiss case without prejudice (Doc. 38), in which plaintiff represents that its claims against defendant Donald Davis were disposed of by the United States Bankruptcy Court for the Southern District of Alabama in its Order Confirming Plan issued as to Ronald R. Davis in Case No. 12-01168-WSS-13 on January 28, 2013.

Upon due consideration, the motion is hereby **GRANTED**, and the plaintiff's claims against Donald Davis are hereby **DISMISSED without prejudice**, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. Each party shall bear its or his own costs.¹

DONE and ORDERED this 2nd day of April, 2013.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE

¹ Defendants W. E. Davis and Sons Construction Co., Inc. and William Davis were dismissed without prejudice by order dated June 20, 2011 (Doc. 12).