

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

ALPHONSO PERRY, *et al.*, )  
Plaintiffs, )  
v. ) CIV. ACT. NO. 1:21-cv-66-TFM-B  
USAA CASUALTY INSURANCE CO., )  
Defendant. )

**MEMORANDUM OPINION AND ORDER**

Pending before the Court is Defendant's Motion to Dismiss (Doc. 48, filed 11/15/22). On December 6, 2022, Plaintiffs filed their response to the Defendant's motion to dismiss in which they concede that the case should be dismissed without prejudice. Doc. 49. After careful consideration of the motion, response, and case file, the Court finds that the Defendant's unopposed motion to dismiss for lack of subject matter jurisdiction (Doc. 48) is due to be **GRANTED**. Accordingly, it is **ORDERED** that this case is **DISMISSED** without prejudice.

A separate judgment will be entered pursuant to Fed. R. Civ. P. 58.

**DONE** and **ORDERED** this the 17th day of January, 2023.

/s/ Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES DISTRICT JUDGE