

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

REID & LYNN GRIZZLE PARTNERSHIP, et al.

PLAINTIFFS

v.

CASE NO. 2:17-CV-00151 BSM

K B X INC., et al.

DEFENDANTS

ORDER

Plaintiffs' motion to remand [Doc. No. 12] is granted. The complaint alleges several state-law claims and one claim related to the Food Security Act, 7 U.S.C. § 1631, which is the basis of removal. Notice of Removal ¶ 3, Doc. No. 1. Plaintiffs, however, lack standing to recover against K.B.X. based on their claim related to the Food Security Act, and the claim is dismissed without prejudice. *Penn Brothers Partnership et al. v. KBX, Inc. et al.*, No. 3:17-CV-00251 JLH (E.D. Ark. Jan. 29, 2018), ECF No. 26 (holding that plaintiffs making identical claim lacked standing); *see also Delorme v. United States*, 354 F.3d 810, 815 (8th Cir. 2004) (standing can be raised by the court sua sponte at any time). Because no compelling reason exists to exercise supplemental jurisdiction over the remaining claims, *see* 28 U.S.C. § 1367(c), they are remanded to the Monroe County Circuit Court.

IT IS SO ORDERED this 26th day of March 2018.


UNITED STATES DISTRICT JUDGE