

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

EUAL PHILLIPS

PLAINTIFF

V.

4:09CV000098JMM

GENERAL MILLS, INC.

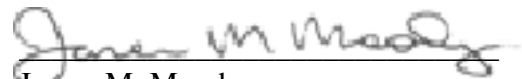
DEFENDANT

ORDER

Plaintiff has filed a Motion to Dismiss. The Court finds that Plaintiff's motion (Docket # 23) should be, and hereby is, GRANTED. The Court notes that Plaintiff's right to re-file the case against this Defendant is subject to the provisions of Rule 41(d) of the Federal Rules of Civil Procedure. Under Rule 41(d), the Plaintiff may be ordered to pay any costs of this action which the Court deems appropriate if Plaintiff re-files the action against the Defendant.

The Motion to Dismiss (Docket # 23) is GRANTED. The motion to compel (Docket # 19) is MOOT. The jury trial set for January 11, 2010 is cancelled. The Clerk is directed to close the case.

IT IS SO ORDERED this 31st day of August 2009.



James M. Moody
United States District Judge