

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

JMAR EXPRESS, INC., *et al.*

PLAINTIFFS

v.

4:10CV01231-WRW

PETERBILT OF MEMPHIS, INC., *et al.*

DEFENDANTS

ORDER

Pending is Defendant Cummins Mid-South, LLC's Motion to Dismiss (Doc. No. 17) under Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. Plaintiffs respond that they "do not object to the dismissal of Cummins Mid-South, LLC as a defendant in this case, at this time."¹

Accordingly, the Motion is GRANTED, and Plaintiffs' claims against Cummins Mid-South, LLC are DISMISSED without prejudice.

IT IS SO ORDERED this 12th day of October, 2010.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹Doc. No. 24.