

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

DAVID PELZER; DAVID AND RUTH
PELZER, LLC, an Iowa Limited Liability
Company; and DAVID AND MATTHEW
PELZER, LLC, an Iowa Limited Liability
Company

PLAINTIFFS

v.

No. 4:11CV00108 JLH

UNITED STATES DEPARTMENT OF
AGRICULTURE, FEDERAL CROP INSURANCE
CORPORATION, RISK MANAGEMENT AGENCY;
and ARMTECH INSURANCE SERVICES,
a Texas Corporation

DEFENDANTS

ORDER

On June 22, 2011, the Court entered an Order directing the plaintiffs to file a brief on or before July 13, 2011, explaining why the Agency decision review of which the plaintiffs seek in Count I of their complaint was arbitrary or capricious. The Court stated in that Order that if the plaintiffs chose not to file a brief by that date the Court would summarily affirm. No brief has been filed. Therefore, the Court summarily affirms the Agency decision at issue in Count I the plaintiffs' complaint. Count I is hereby dismissed with prejudice. The motion to dismiss filed by the Department of Agriculture is denied as moot. Document #38.

IT IS SO ORDERED this 14th day of July, 2011.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE