

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

**DENNIS MACKLIN**

**PLAINTIFF**

**v.**

**Case No. 4:11-cv-900**

**FMC TRANSPORT INC.**

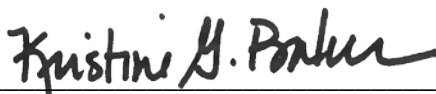
**DEFENDANT**

**ORDER**

Plaintiff Dennis Macklin filed what he styled as a “Joint Rule 26(f) report” on January 31, 2013 (Dkt. No. 32). Defendant FMC Transport Incorporated (“FMC”) filed a response to that report (Dkt. No. 33). In that response, FMC disputes that the Rule 26(f) report filed by Mr. Macklin was a joint report. FMC also requests that the Court “require Plaintiff to show cause as to whether or not he intends to pursue this case given his settlement in the contradictory case, and, if he intends to pursue this case, to show cause how his allegations and settlement payment received... can be reconciled with the allegations in this case that he had a truck and could have fulfilled his contract upon which he bases his cause of action.” FMC requests a hearing in this matter, should the Court believe it would be helpful.

This Court construes FMC’s statement in its response to the Rule 26(f) report as the basis for a motion to dismiss the current action. In accordance with Local Rule 7.2(e), all motions to dismiss shall not be taken up and considered unless set forth in a separate pleading accompanied by a separate brief. FMC is directed to file a separate motion and brief raising these issues for the Court’s consideration. The Court declines at this time to enter a show cause order or to conduct a hearing.

SO ORDERED this the 15th day of March, 2013.

  
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KRISTINE G. BAKER  
UNITED STATES DISTRICT JUDGE