

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

SOUTHSIDE BANK

PLAINTIFF

v.

Case Nos. 4:08-CV-04125, 4:08-CV-04126

FEDERAL DEPOSIT INSURANCE CORPORATION,
as Receiver for ANB Financial, N.A; and THE
UNITED STATES OF AMERICA, ex rel the Federal
Deposit Insurance Corporation, in its receiver capacity
for ANB Financial, N.A.

DEFENDANTS

JUDGMENT

For the reasons set forth in the Memorandum Opinion and Order, filed contemporaneously herewith, Defendant FDIC-R's Motion for Summary Judgment (Doc. 29) is **GRANTED**; Defendant USA's Motion to Dismiss for Lack of Subject Matter Jurisdiction is likewise **GRANTED**; and Plaintiff's Complaint is **DISMISSED** as to all claims. Specifically, Plaintiff's claims for breach of contract, constructive trust, and violation of a federal regulation against Defendant FDIC-R are **DISMISSED WITH PREJUDICE**. Plaintiff's claims for conversion against both Defendant FDIC-R and Defendant USA are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

Plaintiff's Motions for Summary Judgment (Docs. 37 and 47) are both **DENIED**. Plaintiff's Motion for a Hearing (Doc. 62) is **DENIED AS MOOT**.

The parties are to bear their own costs and fees.

IT IS SO ORDERED AND ADJUDGED this 30th day of September, 2011.

P. K. Holmes, III

P.K. HOLMES, III
UNITED STATES DISTRICT JUDGE