

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

ANDY WESSON

PLAINTIFF

VS.

CASE NO. 13-CV-4066

TYSON FOODS, INC.

DEFENDANT

ORDER

Before the Court is Defendant's Motion to Dismiss Plaintiff's Notice of Appeal as Untimely. (ECF No. 50). Defendant's motion was filed in this Court on April 24, 2015, and it was re-filed at the Eighth Circuit Court of Appeals on April 29, 2015. Defendant's motion was granted by the Eighth Circuit, and Plaintiff's appeal was dismissed as untimely filed. A mandate in accordance with that dismissal was filed in this case on July 22, 2015. (ECF No. 54).

In accordance with the Eighth Circuit's dismissal of Plaintiff's appeal, the Court finds that Defendant's Motion to Dismiss (ECF No. 50) should be and hereby is **DENIED AS MOOT**. This case remains closed.

IT IS SO ORDERED, this 22nd day of July, 2015.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge