

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

DIANNE HEISSER

CIVIL ACTION

VERSUS

NO. 09-308

SECURITY PLAN FIRE INSURANCE COMPANY

SECTION "K"(4)

ORDER AND REASONS

Before the Court is Security Plan Fire Insurance Company's ("Security Plan") Motion to Dismiss (Rec. Doc. 5). Plaintiff Dianne Heisser has not filed a timely opposition to this motion. Moreover, the Court has been informed by Plaintiff's attorneys that they will not be filing any opposition to this motion because they are pursuing the same claims in state court. Accordingly,

IT IS ORDERED that Defendant Security Plan's Motion to Dismiss (Rec. Doc. 5) is **GRANTED**. Plaintiff's complaint is hereby **DISMISSED WITHOUT PREJUDICE**.

New Orleans, Louisiana, this 23rd day of June, 2009.



STANWOOD R. DUVAL, JR.
UNITED STATES DISTRICT JUDGE