

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ANTHONY GARRETT and
AL GARRETT TRUCKING, II, LLC

PLAINTIFFS

v.

CAUSE NO. 1:16CV333-LG-RHW

MNL TRUCK SALES, INC.

DEFENDANT

**ORDER LIFTING STAY AND GRANTING MOTION TO DISMISS
WITHOUT PREJUDICE**

BEFORE THE COURT is the [14] Motion to Dismiss Without Prejudice filed by Plaintiffs Anthony Garrett and AL Garrett Trucking, II, LLC. The Court previously stayed this action pending arbitration. No arbitration has taken place, however, and Plaintiffs represent that Defendant MNL Truck Sales, Inc. recently filed for bankruptcy. As a result of the pending bankruptcy, Plaintiffs request that the Court dismiss this action without prejudice. Defendant has not opposed Plaintiffs' Motion to Dismiss, and the Court is of the opinion that the Motion is well-taken and should be granted. *See* Fed. R. Civ. P. 41.

IT IS THEREFORE ORDERED AND ADJUDGED that the stay in this action is lifted, the [14] Motion to Dismiss is **GRANTED**, and all claims are **DISMISSED WITHOUT PREJUDICE**. The Clerk is directed to close this action on the docket.

SO ORDERED AND ADJUDGED this the 6th day of June, 2017.

sl/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE