

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

BILLIE AULD

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:08cv18DCB-JMR

LIFE INS. CO. of GA, ET. AL.

DEFENDANTS

MEMORANDUM OPINION

This matter is before the Court regarding Plaintiff's Motion to Dismiss[17-1].

On April 30,2008, Plaintiff's counsel filed a Motion to Withdraw. The hearing was held May 30,2008, Plaintiff did not attend the hearing . The Court found that counsel should be allowed to withdraw. On June 3,2008, the Court sent the Plaintiff a copy of the Order reflecting its consideration of the motion and instructing Plaintiff to retain new counsel or inform the Court that she was proceeding *pro se* prior to June 30,2008 . The Court's June 3,2008 Order set a hearing on July 30,2008 and informed Plaintiff that she or his newly retained counsel must appear. Plaintiff sent the copy of the Court's June 3,2008 Order back to the Court with a handwritten note stating " 'Please remove my name from this'. Thank you Billie Auld ." The Court interpreted this note to infer that Ms. Auld no longer wished to proceed with this case. Ms Auld did not attend the July 30,2008 hearing and has not had any further communication with the Court. Defendant has not opposed the Plaintiff 's Motion to Dismiss.

. Based on the foregoing, this Court is of the opinion that the Plaintiff's Motion to Dismiss is well taken and, therefore, this cause will be dismissed without prejudice. A final judgment in accord with this opinion shall issue.

THIS the 29th day of September, 2008.

s/John M. Roper Sr.
UNITED STATES MAGISTRATE JUDGE

