

FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

PAUL HARGRAVE

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:08cv108DCB-JMR

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

DEFENDANTS

MEMORANDUM OPINION

This matter is before the Court regarding Plaintiff's *Ore Tenus* Motion to Dismiss.

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 he 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 he or his newly retained counsel must appear. Plaintiff appeared at the hearing and informed the Court that he wished to dismiss this case. Defendant's counsel, Claire Ketner, was present at the hearing and she told the Court that she did not oppose Plaintiff's *Ore Tenus* Motion to Dismiss.

. Based on the foregoing, this Court is of the opinion that the Plaintiff's *Ore Tenus* 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