

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BNSF RAILWAY COMPANY,)
)
Plaintiff,)
)
v.)
)
LAWRENCE MICKEY, INTERNAL)
REVENUE SERVICE, and UNITED STATES)
RAILROAD RETIREMENT BOARD,)
)
Defendants.)

No. 4:12-CV-598 CAS

ORDER OF DISMISSAL

This matter is before the Court on plaintiff BNSF Railway Company’s (“BNSF”) motion to dismiss this interpleader action. BNSF states that it has paid the disputed amount to the U.S. Treasury and is no longer the stakeholder of the disputed amount of \$12,820.80. See Receipt at Doc. 25, Ex. 1. Because it is no longer the stakeholder, plaintiff can no longer maintain this interpleader action. Defendants Internal Revenue Service and United States Railroad Retirement Board have no objection to plaintiff’s dismissal of this action. See Doc. 24. Defendant Lawrence Mickey has not responded to plaintiff’s motion, and the time for doing so has passed. For the reasons stated in plaintiff’s motion, the motion to dismiss will be granted.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to dismiss interpleader is **GRANTED**.

[Doc. 23]

IT IS FURTHER ORDERED that this action is **DISMISSED without prejudice as moot**.

IT IS FURTHER ORDERED that defendant Lawrence Mickey’s motion to dismiss is **DENIED as moot**. [Doc. 21]

IT IS FURTHER ORDERED that plaintiff's motion to deposit funds is **DENIED as moot**.

[Doc. 2]

A handwritten signature in cursive script, reading "Charles A. Shaw". The signature is written in black ink and is positioned above a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 7th day of June, 2012.