

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

Total Quality Logistics, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 14-6084-CV-SJ-JTM
)	
Trans East, Inc.,)	
)	
Defendant.)	

ORDER

Pending before the Court is *Defendant's Motion To Dismiss*, filed July 24, 2013 [Doc. 3]. In support of its motion, Defendant Trans East, Inc. asserts that Plaintiff Total Quality Logistics, LLC's removed Petition must be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure because it alleges a cause of action completely preempted by federal law, such that it fails to state a claim upon which relief may be granted. Trans East argues that even if all the Plaintiff's allegations are accepted as true, Plaintiff's Complaint fails to state a claim against upon which relief can be granted against Trans East because state common law claims against a motor carrier are completely preempted by the Carmack Amendment, 49 U.S.C. § 14706, *et seq.* Plaintiff Total Quality Logistics has not filed any opposition to Defendant Trans East, Inc.'s motion to dismiss.

After due consideration of the issues presented, and for good cause shown, it is

ORDERED that *Defendant's Motion To Dismiss*, filed July 24, 2013 [Doc. 3] is **GRANTED**. Accordingly, this matter is **DISMISSED WITH PREJUDICE**.

/s/ John T. Maughmer
John T. Maughmer
United States Magistrate Judge