

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**WOODMEN OF THE WORLD LIFE
INSURANCE SOCIETY,**

Plaintiff,

vs.

DAVID A. LOWERY,

Defendant.

8:16CV73

ORDER OF DISMISSAL

This matter is before the Court on the Motion to Dismiss (Filing No. 11) filed by Plaintiff Woodmen of the World Life Insurance Society. Plaintiff filed an Application to Confirm Arbitration Award (Filing No. 1) on February 11, 2016. On April 20, 2016, this Court entered an Order to Show Cause requesting Plaintiff to show why the action should not be dismissed for lack of subject matter jurisdiction. (Filing No. 10.) In compliance with the Court's Show Cause Order, Plaintiff filed a Motion to Dismiss (Filing No. 11) and a Response (Filing No. 12). Plaintiff states that it agrees that the Court lacks subject matter jurisdiction and seeks to dismiss its Application to Confirm Arbitration Award without prejudice. Under Federal Rule of Civil Procedure 41(a)(2), the Court finds that the Motion to Dismiss should be granted, and the above-captioned action should be dismissed without prejudice. The Court will not assess costs or attorney's fees. Accordingly,

IT IS ORDERED:

1. Plaintiff Woodmen of the World Life Insurance Society's Motion to Dismiss (Filing No. 11) is granted;

2. The Application to Confirm Arbitration Award (Filing No. 1) is dismissed without prejudice; and
3. The Court will not assess costs or attorney's fees.

Dated this 9th day of May, 2016.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge