IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

LOUISIANA INTERNATIONAL MARINE, L.L.C.	§	
v.	§	**CIVIL ACTION NO. C-11-186**
The Drilling Rig ATLAS CENTURY, and her engines, tackle, apparel, appurtenances, etc., *in rem*, and KTM SERVICES, INC., *in personam*	§	**Admiralty - FED. R. CIV. P. 9(h)**

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND GRANTING IN PART AND DENYING IN PART MOTION TO DISMISS

Pending before the Court is Intervenor Plaintiffs' Bayfront Consulting L.L.C. and Basic Energy, Ltd.'s Motion to Vacate Arrest and Motion to Dismiss *In Rem* Claims for Lack of Subject Matter Jurisdiction. (D.E. 89.) On March 9, 2012, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation to Grant in Part and Deny in Part the Motion to Dismiss. (D.E. 102.)

The Magistrate Judge recommends that Intervenor Plaintiffs' motion to vacate the arrest of the vessel and dismiss all *in rem* claims be granted in part and denied in part. Specifically, the Magistrate Judge recommends (1) that Basic Energy, Ltd. and Bayfront Consulting L.L.C. be dismissed for lack of subject matter jurisdiction; (2) that the Atlas Century remain under arrest; (3) that the motion to vacate any order to sell the Atlas Century be denied; and (4) that the motion to dismiss against Plaintiff Louisiana International Marine, L.L.C. and Intervenors International Divers Co., Inc. d/b/a Best Bet Line Handlers, GAC Shipping (USA) Inc., Kiewit

Offshore Services, Ltd., COSCO Shipping, Co., Ltd., Seabulk Towing Services, Inc., and Signet Maritime Corp. be denied. (*Id.* at 24.)

More than fourteen days have passed since the parties, respectively, were served with the Magistrate Judge's Memorandum and Recommendation and no objections have been filed. When no timely objections to a magistrate judge's memorandum and recommendation are filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)). Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memorandum and Recommendation (D.E. 102), as well as all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge.

Intervenor Plaintiffs Bayfront Consulting, L.L.C. and Basic Energy, Ltd.'s Motion to Vacate Arrest and Motion to Dismiss *In Rem* Claims for Lack of Subject Matter Jurisdiction (D.E. 89) is **GRANTED IN PART AND DENIED IN PART**. Intervenor Plaintiffs Basic Energy, Ltd. and Bayfront Consulting, L.L.C. are **DISMISSED** for lack of subject matter jurisdiction. Intervenor Plaintiffs' Motion to Dismiss is otherwise **DENIED**. The drilling rig Atlas Century will remain under arrest and in the custody of the United States Marshals Service.

ORDERED this 26th day of March 2012.

NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE