

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**DANIEL G. ABEL,
Plaintiff**

CIVIL ACTION

VERSUS

No. 13-88

**DOUGLAS K. HANDSHOE, et al.,
Defendants**

SECTION "E"

ORDER

Plaintiff, Daniel G. Abel ("Abel"), has filed a motion to remand arguing that this Court lacks subject matter jurisdiction.¹ This matter cannot be remanded because it was not removed from state court. The Court observes that, because no answers have been filed, Plaintiff has the right to dismiss this matter pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

Accordingly,

IT IS ORDERED that Plaintiff's motion to remand is **DISMISSED AS MOOT**.

IT IS FURTHER ORDERED that if Plaintiff desires to dismiss this matter in accordance with Rule 41(a), he shall do so no later than **Thursday, May 23, 2013**.

IT IS FURTHER ORDERED that the **Wednesday, May 15, 2013** oral argument hearing on Douglas K. Handshoe's motion to strike is **CANCELLED** until further notice. The hearing on the Court's May 9, 2013 show cause order² will proceed in open court on **Wednesday, May 15, 2013, at 10:00 a.m.** as scheduled.

¹ R. Doc. 15.

² R. Doc. 45.

New Orleans, Louisiana, this 13th day of May, 2013.



SUSIE MORGAN
UNITED STATES DISTRICT JUDGE