

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

NATIONAL RIFLE ASSOCIATION
OF
AMERICA, INC., et al.,

CIVIL ACTION
NO: 05-4234

Plaintiffs

VERSUS

C. RAY NAGIN, Mayor of New
Orleans, and

SECTION: "J"

WARREN RILEY,
Superintendent of Police,
New Orleans

Defendants

ORDER


Before the Court is and **Defendants' Rule 12(b)(1) and 12(b)(6) Motion to Dismiss for Lack of Subject Matter Jurisdiction and for Failure to State a Viable Claim** (Rec. Doc. 10) and Plaintiff's **Motion to Hold Defendants C. Ray Nagin and Warren Riley in Contempt for Violation of the Consent Order** (Rec. Doc. 12). Both motions were opposed and were set for hearing, with oral argument, on March 29, 2004.

Plaintiffs' counsel has informed the Court that the parties are attempting to amicably resolve this matter and desire to withdraw the pending motions at this time, subject to the right to re-file at a later date if the matter is not amicably resolved. Accordingly,

IT IS ORDERED that **Defendants' Rule 12(b)(1) and 12(b)(6) Motion to Dismiss for Lack of Subject Matter Jurisdiction and for Failure to State a Viable Claim** (Rec. Doc. 10) and Plaintiff's

Motion to Hold Defendants C. Ray Nagin and Warren Riley in Contempt for Violation of the Consent Order (Rec. Doc. 12) should be and are hereby **DENIED without prejudice** to be re-filed at a later date, if necessary.

New Orleans, Louisiana this the 29th day of March, 2006.



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE