

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

JIM HOOD, Attorney General, *ex rel.*,
THE STATE OF MISSISSIPPI, acting
for itself and *Parens Patriae* for and on
behalf of the People of the State of
Mississippi

PLAINTIFF

vs.

No. 2:05CV32-D-B

THE CITY OF MEMPHIS, TENNESSEE; and
MEMPHIS LIGHT, GAS & WATER DIVISION

DEFENDANTS

ORDER OF DISMISSAL PURSUANT TO BENCH RULING

After hearing oral argument and receiving briefs regarding the court's jurisdiction over this matter, the court rules that the State of Tennessee is a necessary and indispensable party to this action pursuant to Rule 19 of the Federal Rules of Civil Procedure. This court, however, is not empowered to join Tennessee as a party to this action because original and exclusive jurisdiction of disputes between States resides with the United States Supreme Court pursuant to 28 U.S.C. § 1251(a). This action is accordingly dismissed without prejudice pursuant to Rule 19(b) of the Federal Rules of Civil Procedure.

While the court makes no formal determination in this order regarding the necessity or indispensability of the State of Arkansas to this action, the court is of the opinion that Arkansas, via its Attorney General, should be put on notice of this action and any future proceedings herein.

SO ORDERED, this the 4th day of February 2008.

/s/ Glen H. Davidson
Senior Judge