

S E R V E D  
January 30, 2007  
FEDERAL MARITIME COMMISSION

**FEDERAL MARITIME COMMISSION**

**WASHINGTON, D. C.**

**DOCKET NO. 99-16**

**CAROLINA MARINE HANDLING, INC.**

**v.**

**CHARLESTON INTERNATIONAL PROJECTS, INC. and  
CHARLESTON INTERNATIONAL PORTS, LLC**

---

**ORDER DISMISSING COMPLAINT**

---

On January 23, 2007, complainant Carolina Marine Handling, Inc., filed a motion to dismiss its complaint with prejudice. On January 24, 2007, respondents Charleston International Projects, Inc., and Charleston International Ports, LLC filed a statement noting that they do not oppose the motion to dismiss.

The Commission does not have a rule that explicitly covers voluntary dismissals. The Commission's Rules of Practice and Procedure do provide that "[i]n proceedings under this part, for situations which are not covered by a specific Commission rule, the Federal Rules of Civil Procedure will be followed to the extent that they are consistent with sound administrative practice." 46 C.F.R. § 502.12. The federal rules provide that unless the dismissal is prior to the filing of an answer or by

stipulation, “an action shall not be dismissed at the plaintiff’s instance save upon order of the court and upon such terms and conditions as the court deems proper.” Fed. R. Civ. P. 41(b). No party has suggested that any “terms or conditions” should be imposed on the dismissal. I find that none are necessary.

Upon consideration of complainant’s motion to dismiss and respondents’ statement that they do not oppose the motion, it is hereby

**ORDERED** that complainant’s motion be **GRANTED**. The complaint herein is **DISMISSED WITH PREJUDICE**.



Clay G. Guthridge  
Administrative Law Judge