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IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
JUN 30 2025
OFFICE OF THE CLERK

ROY FRANKLIN ECHOLS
PETITIONER

V.

CIVIL CASE No.

CSX TRANSPORTATION, INC.
RESPONDENT.

RULE 23 MOTION TO STAY JUDGMENT

COMES NOW THE PETITIONER, ROY Franklin Echols, proceeding pro-se, and moves the Supreme Court, Judge or Justice to stay the enforcement of Petition For Writ of Certiorari judgment, as permitted by 28 U.S.C. Subsection 2101(F).

In support thereof, petitioner sets out the specific reasons why a stay is justified, that exceptional circumstances warrant the exercise of the Court's discretionary powers to obtain the relief sought

OPINIONS BELOW

On May 01, 2025, A motion For appointment of Counsel was Filed before the United States Court of Appeals For the Fourth Circuit. (see: attached exhibit A).

On May 12, 2025, A motion For stay pending appellate procedures was submitted to the United States Court of Appeals. (see: attached exhibit B).

On May 18, 2025, Supplemental records were Filed before the United States Court of Appeals. (see: attached exhibit C).

The date on which the United States Court of Appeals decided my case was May 23, 2025, the Order appears at appendix No. 1. The Court dismissed the proceeding For Failure to prosecute pursuant to local Rule 45.

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On February 10, 2025, A Rule 59(e) motion was Filed before the U.S. District Court (ECF No. 33).

On February 17, 2025, A Petition For Issuance OF Summons was Filed before the U.S. District Court (ECF No. 32).

On February 24, 2025, A motion For evidentiary hearing was Filed before the U.S. District Court. (ECF No. 37).

The date on which the U.S. District Court decided my case was March 19, 2025, memorandum opinion appears at Appendix No. 2.

Therefore jurisdiction is appropriate in the Supreme Court of the United States.

CONSTITUTIONAL AND STATUTORY PROVISIONS

On March 19, 2025, the District Court Denied Rule 59(e) motion. The Court joined the Petition For Issuance OF Summons with the Rule 59(e) motion. Denying both the Rule 59(e) motion and Petition For Issuance OF Summons together violated the due process clause under the Fourteenth Amendment to the United States Constitution OF America, and Virginia

Furthermore, deprived petitioner OF his Constitutional right under the equal protection clause OF the Fifth and Fourteenth Amendment to Summons CSX Transportation to produce his relevant CSX company Silicosis testing results United States v. Holmes, 413 F.3d 770, 773 (8th Cir. 2005) (quoting United States v. Guerrero, 110 F.3d 647, 652 (8th Cir. 1997)).

CSX is withholding Silicosis test results under Supreme Court rule OF Law Estelle v. Gamble, 429 U.S. 574, 104 (1976) relevant to establish a Railroad / Exposure injury under statutory Law 8.01-195.3 Title Virginia Tort Claims Act OF 1964 § 33.2-1900 et seq. within the meaning OF Article III OF the Constitution to seek a tort Liability Settlement with CSX Corporate, FRE Rule 302.

Subsequent to on May 12, 2025, petitioner Filed a motion For stay pending appellate review in the United States Court of Appeals (see: exhibit B) requesting CSX to produce his Silicosis test results United States v. Nixon, 418 U.S. 683 (1974) held the United States Constitution requires the production of documents that are relevant, admissible and Specific to Litigation.

Accordingly, the VCU Massey Cancer Reports (see: exhibit C) establish a Railroad / Exposure tort Liability are reliable Foundation and reasoning test For relevant evidence required by Fed. Rule Evid. 401 and Westberry v. Gislaved Gummi AB, 178 F.3d 257, 264 (4th Cir. 1999), (involving a strict Liability, breach of warranty and negligence action) to issue this Summons. Id.

The issuance of Summons under Virginia tort requirements 8.01-195.3 is appropriate because CSX concealing test results is "Deliberate indifference to Echols medical needs" that clearly violates the Eighth Amendment. Hallett v. Morgan, 296 F.3d 732, 744 (9th Cir. 2002). Estelle v. Gamble, 429 U.S. 597, 104 (1976).

Petitioner was denied the opportunity Under Federal Statutory Law to have A Fair Adjudication of his Petition For Summons directing CSX Corporation to produce the relevant documents FRCP, Rule 26. It is manifest duty of Courts to vindicate guarantees of Confrontation, Compulsory process, and due process clauses, and to Accomplish that it is essential that all relevant and admissible evidence be produced. U.S.C.A. Const. Amends. 5, 6, 14. United States v. Nixon, 418 U.S. 683 (1974) Bowman Dairy Co. v. U.S. 71 S.Ct. 675, 341 U.S. 214 (U.S. III. 1951).

Since the Federal Employers' Liability Act [FELA], 45 U.S.C. §§ 51 et seq. Echols v. CSX Transportation, Inc., No. 3:16 cv 294 [COPD] Respiratory Silica dust-related injury. The CSX Railroad Company did not provide the Constitutionally enforced right to discovery of physical examinations. These silicosis company examinations conducted on CSX employees in 1994-95 including: (CSX Trackman Echols No. 2628191) Are relevant material to the current "NEW" Cancer claim And it was foreseeable the physical examinations are substantial to the cancer claim under the Aadley v. Baxendale Rule, and U.C.C. Code § 2-715 (2) (A).

Respondent CSX could determine by refusing to provide or disclose the examinations would result in a dismissal of the related claim and recovery of damage Calamari and Perillo, Contracts (Kev 14.5).

When there is a Constitutional injury, the court's are asked to provide a legal remedy parallel to principles of liberty and justice established in Marbury v. Madison, 5 U.S. 137 (1803).

The violation of Equal protection of law embodied in the Fourteenth Amendment to the United States Constitution is to enforce that the laws and which petitioner has been treated differently than other CSX Railroad employees under federal statutory laws to obtain the examination documents necessary for medical professionals to make the appropriate medical determination to pursue Echols current medical condition and seek recovery as a result of negligent exposure to light of Wesley A. Cleaver v. Union Pacific R.R. Co., No. 8:18 cv 512 LEXIS 3409 (U.S. Dist. Court Nebraska January 7, 2021).

SUMMARY

Petitioner asserts the United States District Court committed a reversible error by improperly merging these two claims in a suit which prevented the issuance of summons to establish causation in common law negligence action 'Substantial Factor' in bringing about the harm under tort liability provisions of Va. Code 8.01-195.3 Tufarrello v. Long Island RR. Co. 458 F. 3d 80, 87 (2d Cir. 2006).
Restatement 2d of torts subsection 431(a).

The reversible error of March 19, 2025, substantially affected Echols legal rights that, if uncorrected, would result in a miscarriage of justice, which justifies reversing the United States Court of Appeals ORDER OF DISMISSAL For stay to serve and/or issuance of summons against CSX Transportation, pursuant to Local Rule 45. (see: Appendix No. 1).

Thus, Rule 23 Motion to stay Judgment of the Federal Court procedures that satisfies Constitutional standing requirements for the Supreme Court to issue this summons and/or reverse and remand the District court's final order at Appendix No. 2, accordingly.

CONCLUSION

The Supreme Court Rule 23 Motion to stay judgment should be granted in the interest of justice.

Respectfully Submitted,
By: Roy F. Echols,
Petitioner:

IN THE
SUPREME COURT OF THE UNITED STATES

ROY FRANKLIN ECHOLS
PETITIONER,

V.

Civil Case No. _____

CSX TRANSPORTATION, INC
RESPONDENT.

DECLARATION

The Petitioner Roy Franklin Echols hereby declares:

Pursuant to VA.DOC Central Mail Security Procedures. Echols received USCA ORDER Appendix No 1. on or About June 2, 2025.

By the time I was scheduled to Attend the Law Library For A Assistance the institution was placed on Lockdown June 23-27, 2025.

The enclosed document is timely Filed dated: June 29, 2025, in Accordance with Rule 29 and Houston v. Lack, 487 U.S. 266 (1988).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 29, 2025.

151 Roy F. Echols,
Petitioner:

IN THE
SUPREME COURT OF THE UNITED STATES

ROY FRANKLIN ECHOLS
PETITIONER,

V.

CIVIL CASE NO. _____

CSX TRANSPORTATION, INC.
RESPONDENT.

PROOF OF SERVICE

I, Roy Franklin Echols No. 1151751, do hereby swear or declare that on this date, June 29, 2025 as required by Supreme Court Rule 29, I have served the enclosed RULE 23 MOTION TO STAY JUDGMENT ON Attorneys For Respondent to the Above proceeding with First-Class U.S. postage prepaid For delivery within 3 calendar days sent to:

MILLBERG, GORDON, STEWART, PLLC, 1101 Haynes Street,
Suite 104 Raleigh, NC 27604 Facsimile (919) 836-8027
Attorneys For Respondent CSX Transportation, Inc.

I declare under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed on June 29, 2025.

/s/ Roy F. Echols,
Roy Franklin Echols, #1151751
Central Mail Distribution Center
3521 Woods Way
State Farm, VA. 23160

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ROY FRANKLIN ECHOLS,

Plaintiff,

v.

Civil Action No. 3:23cv697

CSX TRANSPORTATION, INC.,

Defendant.

MEMORANDUM OPINION

Roy Franklin Echols, a Virginia inmate, proceeding *pro se*, submitted this action. By Memorandum Opinion and Order entered on January 15, 2025, the Court dismissed the action because Echols failed to state a claim upon relief could be granted. (ECF Nos. 29, 30.) On February 10, 2025, Echols placed his Motion for Reconsideration under Federal Rule of Civil Procedure 59(e) in the mail. (ECF No. 33, at 6.) The Court deems the Motion for Reconsideration filed as of that date. *See Houston v. Lack*, 487 U.S. 266, 276 (1988).

“[R]econsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.” *Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998) (citation omitted) (internal quotation marks omitted). The United States Court of Appeals for the Fourth Circuit has recognized three grounds for relief under Rule 59(e): “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” *Hutchinson v. Staton*, 994 F.2d 1076, 1081 (4th Cir. 1993) (citing *Weyerhaeuser Corp. v. Koppers Co.*, 771 F. Supp. 1406, 1419 (D. Md. 1991); *Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625, 626 (S.D. Miss. 1990)). Echols apparently seeks relief under the third ground arguing that he did adequately state a

claim for relief. Echols, however, fails to demonstrate that the Court made a clear error of law or that reinstatement of his case is necessary to prevent a manifest injustice. The Court correctly dismissed his action for failure to state a claim upon which relief could be granted. Accordingly, the Motion for Reconsideration, (ECF No. 33), will be DENIED. Additionally, Echols's Petition for Issuance of Summons, (ECF No. 32), and Motion for an Evidentiary Hearing, (ECF No. 37), will be DENIED.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 03/19/2025
Richmond, Virginia


M. Hannah Mauck
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ROY FRANKLIN ECHOLS,

Plaintiff,

v.

Civil Action No. 3:23cv697

CSX TRANSPORTATION, INC.,

Defendant.

ORDER

In accordance with the accompanying Memorandum Opinion, it is ORDERED that:

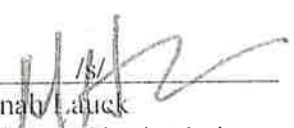
1. The Motion for Reconsideration, (ECF No. 33), is DENIED; and,
2. Echols's Petition for Issuance of Summons, (ECF No. 32), and Motion for an Evidentiary Hearing, (ECF No. 37), are DENIED.

Should Echols desire to appeal, a written notice of appeal must be filed with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a notice of appeal within that period may result in the loss of the right to appeal.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion and Order to Plaintiff.

It is so ORDERED.

Date: 03/19/2025
Richmond, Virginia


M. Hannah Lauck
United States District Judge

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Roy Franklin Echols, Jr.
Appellant,

V.

Civil Action No. 3:23 cv 697
Cir. App. No. 25-6204

CSX Transportation, Inc.
Appellee.

SUPPLEMENTAL RECORDS

COMES NOW THE APPELLANT, Roy F. Echols, Jr., ["APPELLANT"] proceeding pro-se, pursuant to Fed. Rule App. Proc. 26.1(d)(1) submits Supplemental Records, in order to support the Issuance of Summons for the following reason below:

1. The Railroad Occupational Exposure to Silica coal dust causes COPD, Silicosis, Cancer and other related diseases that can bring about impairment, disability and premature death.

2. The presentation of Supplemental records 2017-19 disclose a new medical diagnosis of malignancy stage III, current 2025 VCU Oncology observation, which is a justifiable medical reason for issuance of Summons to obtain Appellant's Silicosis test results in this Court of Law. (see: UVA, Twin County & VCU Medical records Exhibits 1, 2, 3, 4).

3. Pursuant to Fed. Rule App. Proc. 28(4)(B) Appellant has stated relevant facts establishing the Court of Appeals jurisdiction for a stay of judgment, for issuance of Clerk Summons and for production of CSX Corporate Silicosis testing results, that are exclusively within CSX's possession or knowledge that are necessary to support the Appellant's position to reach a settlement under Equal Employment Opportunity Protection of the Laws.

4. In Accordance with code 8.01-195.3. CSX is Liable For Echols personal injury caused by negligent exposure to silica coal dust in violation of the Equal Opportunity Employment Act [EQEA] on or after July 01, 1982.

5. The Issuance of Summons on CSX Corporate is Warranted under Statute 8.01-195.3 For monetary Compensation involving Echols Cancels related injury While Acting within the Full scope of his employment

6. Under Fed. Rule Civ. Proc. 42 (b)(1)(2), Appellant is entitled to relief including: The Circuit Court, Approving A settlement with CSX Corporation, vacating the Action of the District Court on March 19, 2025. (ECF Document 32), or An Administration Agency, or remanding the case to either of them, Specifically, grant Echols Motion For An Evidentiary Hearing. (ECF No. 32).

CONCLUSION

WHEREFORE, the Attached Supplemental Records are presented in good Faith to Account For new evidence not Available in prior court procedures. (Case 3:23-cv-697-MHL-MRC)

Respectfully Submitted,
By: Roy T. Echols
Appellant:

CERTIFICATE OF SERVICE

In Accordance with Rule 25, I certify that on May 18, 2025, sent A true Copy with exhibits of the Foregoing by via U.S. Postal Service to:
Millberg, Gordon, Stewart, PLLC 1101 Haynes Street,
Suite - 104 Raleigh, NC 27604.

/s/ Roy T. Echols

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Roy Franklin Echols, Jr.
Appellant,

V.

Civil Action No. 3:23 cv 697
Appeal No. 25-6204

CSX Transportation, Inc.
Appellee.

MOTION FOR STAY PENDING APPELLATE PROC.

COMES NOW THE APPELLANT, Roy F. Echols, Jr., ["APPELLANT"] proceeding pro-se, and moves the Fourth U.S. Circuit to order A Motion For Stay Pending Appellate Procedure pursuant to Federal Rule App. Proc. Rule 8(a)(2)(A) to (2)(D) For the reason(s) stated in support below:

FEDERAL RULES PART VI OF APPEALATE PROCEDURE 6.5 STAY PENDING APPEAL provides, in pertinent part:

Rule 8(A)(2) Motion in the Court of Appeals Conditions on relief. A motion for the relief mentioned in Rule 8(A)(1) may be made to the Court of Appeals or to one of its Fourth U.S. Circuit Judges.

The Federal Rules of Civil Proc., Rule 8.(a)(2)(A). the Motion For Stay must: (i) show that moving first in the District Court would be impracticable. Here, pursuant to Constitutional and Federal Statutory Law requirements the District Court clerk neglected and/or failed to provide Summons For plaintiff Echols to effectively serve both summonses and Federal Complaint process on Defendant CSX Transportation Rule 4(m), in order for the District Court to have personal, original and diversity subject matter jurisdiction, which the civil action was dismissed Echols v. CSX, No. 3:23 cv 697 MHL-MRC Document 29 (E.D.VA. January 15, 2025).

Under Federal Rules App. Proc., Rule 8(2)(2)(A)(ii) States that, A Motion having been made, the District Court denied the Motion or Failed to AFFord the relief requested And state any reasons given by the District Court For its Action.

Initially, the District record shows that on February 17, 2025, Appellant Filed A Petition For Issuance of Summons (ECF Document No. 32).

Specifically, thereupon, the Joinder of this Cause of Action in A single suite to Allow this case to move Forward, And render personal judgment against the Appellee CSX Transportation For Violations of An employees Constitutional Rights protection.

U.S. C. A. Const. Amend. 8th And 14th.

Subsequent to on March 19, 2025, the District Court by inappropriate Final order Failed to AFFord the relief requested And state And reason given by the District Court For its Action to Dismiss (Document No. 39).

Reason For Motion to Stay Pending Appeal
to have the Fourth U.S. Circuit Court of
Appeals AFFord the Relief Requested

Accordingly, Ethan W. Carpenter, Esquire has Admitted to practice before the 4th U.S. Circuit. As Counsel of record For Appellee CSX Transportation, Incorporated submits himself to the jurisdiction of this Court. Appellee CSX Transportation is Authorized to And regularly transacts business, As A Common Carrier Across the Commonwealth of Virginia, with its principle place of business in Richmond, VA.

Therefore, Appellee CSX Transportation, Inc., subject matter to the jurisdiction of the Fourth U.S. Circuit, Venue proper in this Court, As to Appellee CSX Transportation, Incorporated.

Under Fed. Rule App. Proc. 8(a)(2)(B). The Motion must include: (1) the reasons for granting the relief requested. Here, the District Court Failed to provide the Summons for Appellant to serve both Summons and Complaint, as directed by the U.S. District Court Judge to exercise jurisdiction and Fair notice After Appellant provided a certified provision of Address. The Clerical Error violated Echols Constitutional right guaranteed by the Eighth and Fourteenth Amend. For want of subject matter jurisdiction and to grant his "Petition for Issuance of Summons" in order to obtain his silicosis test results for medical need. Ramos v. Lamm, 639 F.2d 554, 575 (10th Cir. 1980); Estelle v. Gamble, 429 U.S. 97 (1976).

A review of company records shows CSX Admits to Liability in its company settlements of silicosis dust related claims. Appellant was exposed to same silica coal dust conditions as were the other CSX employees working in an environment full of environmental hazards and toxins. Appellee CSX has Failed to provide Appellant's silicosis test results After Laboring in Railroad occupational exposure or a CSX company settlement.

Pursuant to the provisions of 8.01-195.3 Appellant is entitled to Liability for compensation under Law of equal opportunity employer Accruing on or After July 01, 1982, regarding personal injury caused by negligence or omission of an employee while Acting within the scope of his Assigned employment.

In this case, the silicosis testing results obtained by this court's Issuance of Summons will be supporting facts subject to dispute that CSX Corporate is liable and culpable for employee Echols (1981 thru 1997) incurring cancer and liable by way of deliberate indifference, which Appellant should be allowed to seek justice and relief for physical, mental and emotional distress, as a result of negligent exposure.

On or about May 09, 2025, Lawrenceville INTEL records, Appellant received Fair notice of BAR Admission And ECF REGISTRATION by Counsel of record For Appellee CSX Corporation. According to PLRA-application to proceed under Prison Litigation Reform Act Local Rule 45. Appellant is entitled to Appellate review with the Assistance of Counsel And/or remand the Action to the United States District Ct. to proceed with his civil case After the Full \$402.00 Filing Fee was paid to process this case, to reach an agreement with CSX Transportation. Accordingly,

CONCLUSION

Wherefore, Appellant is respectfully Asking the 4th U.S. Circuit to Grant his Motion For Stay with An Order to serve Petition For Issuance of Summons (ECF Document No.32) As personal jurisdiction is Appropriate over Appellee CSX Transportation, Inc.

Respectfully Submitted,
By: Roy F. Echols,
Appellant:

CERTIFICATE OF SERVICE

I, Certify that on May 12, 2025, I served A true Copy of the Foregoing Motion For Stay on Counsel of record At Millberg, Gordon, Stewart, PLLC. 1101 Haynes St., Suite 104 Raleigh, NC 27604

/s/ Roy F. Echols,
Appellant:

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

May 01, 2025

Roy Franklin Echols, Jr.
Plaintiff - Appellant,

V.

Civil Action 3:23 CV 697
App. No. 25-6204

CSX Transportation, Inc.
Defendant - Appellee.

MOTION FOR APPOINTMENT OF COUNSEL

COMES NOW, Roy F. Echols, Jr., [Appellant] proceeding pro-se, and moves this Court to appoint counsel pursuant to local Rule 47(a)(2)(b) to represent his behalf under the Authority of Civil Rights Title 42 U.S.C. subsection 1985 denial of equal protection or of equal privilege of law, and hereby states his reasons to appoint counsel below:

1. Appellant is confined at Lawrenceville Corr. Center, unable to afford counsel on his behalf and has limited knowledge of law, or court procedures.

2. On or about August 24, 2017, VCU Health diagnosed Appellant with stage III cancer related to CSX Railroad Exposure, which the physical impairments from cancer has limited his ability to proceed pro-se of record.

3. This 1985 civil rights violation is based on conspiracy to list a false No. 1 CSX website Railroad Office as a Church Address according to the United States Marshal Service to serve process under the Federal Employers' Liability Act (FELA).

4. The Appellant's imprisonment and disability limits his ability to investigate. Thereupon, the issues are complex and will require significant research and investigation regarding Railroad Corporate Advertisement Laws, as a responsible operator.

5. In the present matter, Appointed counsel is necessary to prepare An Informal opening brief to give Appellant An opportunity to establish the merits of the claims and resolve Any And All disputes of the material Facts.

6. CSX Transportation is An Industrial Railroad Giant represented by MILLBURG GORDON STEWART PLLC, Affiliates of CSX Corporation. Counsel For Appellant, could perform All necessary tasks Accordingly, whether by Court order, or counsel's own initiative.

7. Lastly, the Appointment of counsel in this Case is Appropriate and would be as much A service to the Court of Appeals, and to present the Facts within the Scope of the Court's rules and procedure.

CONCLUSION

Wherefore, the Appellate Roy F. Echols, Jr. is respectfully ASKING the United States Court of Appeals to Appoint counsel on my behalf, due to the complexity of the circumstances of this Case.

Respectfully Submitted,
By: Roy F. Echols, Jr.,
Appellate:

PROOF OF SERVICE

In Accordance with Rule 25, I certify that on May 01, 2025, I served A true copy of this Motion on all parties, Addressed below: Attorneys For CSXT, Inc. MILLBERG, GORDON, STEWART, PLLC, 1101 Haynes Street, Suite 104 Raleigh, NC. 27604, United States Ct. of Appeals For The Fourth Circuit 1100 E. Main Street. Suite 501, Richmond, VA. 23219 and The Supreme Court of The United States One First Street, NE. Washington, DC 20543

151 Roy F. Echols, Jr.,

FILED: May 23, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-6204
(3:23-cv-00697-MHL-MRC)

ROY FRANKLIN ECHOLS

Plaintiff - Appellant

v.

CSX TRANSPORTATION, INC.

Defendant - Appellee

ORDER

The court dismisses this proceeding for failure to prosecute pursuant to
Local Rule 45.

For the Court--By Direction

/s/ Nwamaka Anowi, Clerk

FILED: May 23, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-6204
(3:23-cv-00697-MHL-MRC)

ROY FRANKLIN ECHOLS

Plaintiff - Appellant

v.

CSX TRANSPORTATION, INC.

Defendant - Appellee

RULE 45 MANDATE

This court's order dismissing this appeal pursuant to Local Rule 45 takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

/s/Nwamaka Anowi, Clerk