

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

OFFICE OF ADMINISTRATIVE LAW JUDGES  
601 New Jersey Avenue, N.W. Suite 9500  
Washington, DC 20001-2021

December 21, 2005

SPARTAN MINING COMPANY,	:	CONTEST PROCEEDINGS
Contestant	:	
	:	Docket No. WEVA 2002-111-R
v.	:	Citation No. 7191145; 05/15/2002
	:	
SECRETARY OF LABOR,	:	Docket No. WEVA 2002-112-R
MINE SAFETY AND HEALTH	:	Citation No. 7191146; 05/15/2002
ADMINISTRATION (MSHA),	:	
Respondent	:	Mine ID 46-08159
	:	Shadrick Mine

**ORDER OF DISMISSAL ON REMAND**

Before: Judge Hodgdon

This case is before me on remand from the Commission. *Spartan Mining Co., 27 FMSHRC \_\_\_*, slip op. at 2, No. WEVA 2002-111-R (Nov. 16, 2005).<sup>1</sup> Noting that Cannelton Industries, Inc., the previous owner of the mine, paid the civil penalty assessed for this violation prior to selling the mine, Spartan Mining has requested leave to withdraw the Notice of Contest. Commission Rule 11, 29 C.F.R. § 2700.11, provides that "[a] party may withdraw a pleading at any stage of a proceeding with the approval of the Judge or the Commission."

The motion notes that the Secretary has no objection to this request. Accordingly, the motion for leave to withdraw is **GRANTED** and it is **ORDERED** that this case is **DISMISSED**.

T. Todd Hodgdon  
Administrative Law Judge

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<sup>1</sup> To be published as *Spartan Mining Co., 27 FMSHRC 718* (Nov. 2005).