

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, LAFAYETTE DIVISION

Fleetzero Inc. v. M/V Atlantic Power et al.

Fleetzero · No. 6:25-CV-01686 · Decided December 23, 2025

SUMMARY

The United States District Court for the Western District of Louisiana grants Atlantic Oceanic, LLC’s motion to vacate the arrest of the vessels M/V Atlantic Power and M/V Atlantic Wind. The court concludes that, under Fifth Circuit precedent, Section 8 of the Federal Arbitration Act does not provide a basis for an in rem maritime action under Supplemental Rule C(1)(b) in a proceeding to confirm an arbitration award.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Lafayette Division
WRITING FOR THE COURT	David J. Ayo
JURISDICTION	United States District Court for the Western District of Louisiana
DECIDED	December 23, 2025
DOCKET	6:25-CV-01686
DISPOSITION	other
PROCEDURAL POSTURE	Atlantic Oceanic, LLC, claimant to the in rem defendant vessels, moved under Supplemental Rule E(4)(f) to vacate the arrest warrants issued in Fleetzero's action seeking confirmation of an arbitration award. The court resolved the motion on the parties' briefs and supplemental memoranda without an evidentiary hearing.
STANDARD OF REVIEW	Under Supplemental Rule E(4)(f), the arresting party bears the burden to show why the arrest or attachment should not be vacated and must present sufficient evidence demonstrating reasonable grounds and probable cause supporting the arrest.
PRECEDENTIAL VALUE	Unknown

TOPICS

- vessel arrest
- arbitration
- admiralty
- civil procedure
- remedies

PRACTICE AREAS

admiralty

maritime attachment

arbitration

civil procedure

commercial litigation

QUESTIONS PRESENTED

1. Whether Federal Arbitration Act § 8 provides a statutory basis for an in rem maritime action under Supplemental Rule C(1)(b) to arrest vessels in an action seeking confirmation of an arbitration award.
2. Whether the arrest warrants for the M/V Atlantic Power and M/V Atlantic Wind should be vacated under Supplemental Rule E(4)(f).

HOLDINGS

1. Federal Arbitration Act § 8 does not confer jurisdiction or create a right against a vessel in rem and therefore does not provide the statutory basis required for an action under Supplemental Rule C(1)(b) in this vessel-arrest proceeding.
2. The warrants arresting the M/V Atlantic Power and M/V Atlantic Wind must be vacated because Fleetzero lacked a valid Rule C(1)(b) statutory basis for proceeding in rem.

KEY QUOTATIONS

“Section 8 “does not confer jurisdiction or a right against the vessel in rem”” (Law and Analysis)

“the MOTION TO VACATE filed by Atlantic Oceanic, LLC (Rec. Doc. 17) is GRANTED and the WARRANT OF ARREST as to the M/V ATLANTIC POWER (Rec. Doc. 10) and the WARRANT OF ARREST as to the M/V ATLANTIC WIND (Rec. Doc. 11) are VACATED.” (Conclusion)

FACTUAL BACKGROUND

Fleetzero chartered the M/V Pacific Joule to Atlantic Oceanic under a bareboat charter party. After alleging breaches involving unpaid charter hire, failure to redeliver the vessel, and an unpaid portion of a performance guaranty, Fleetzero obtained a partial and then final arbitration award in its favor. Fleetzero sought to confirm the award and arrested the M/V Atlantic Power and M/V Atlantic Wind, vessels owned by Atlantic Oceanic and located in the Western District of Louisiana.

PROCEDURAL HISTORY

Fleetzero filed a verified complaint under Rule C seeking confirmation of a \$4,157,724.59 arbitration award against Atlantic Oceanic and in rem against the M/V Atlantic Power and M/V Atlantic Wind. The court issued warrants arresting both vessels. Atlantic Oceanic moved to vacate the arrests, arguing that Fleetzero could not proceed under Supplemental Rule C(1)(b) because Federal Arbitration Act § 8 does not authorize an action in rem. The court granted the motion and vacated both warrants.

DISPOSITION

other

CASES CITED

- Casillo Commodities Italia, S.P.A. v. M/V Long Cheer, 2017 WL 2804925, at *2 (E.D. La. June 28, 2017)
- Diesel Specialties, LLC v. M/V Mohawk Traveler, 2009 WL 1036085, at *2 (E.D. La. Apr. 17, 2009)
- In re Murmansk Shipping Co., 2001 WL 699530, at *2 (E.D. La. June 18, 2001)
- Richardson Stevedoring & Logistics Servs., Inc. v. Daebo Int'l Shipping Co., Ltd., 2015 WL 1781712 (E.D. La. Apr. 20, 2015)
- Sembawang Shipyard, Ltd. v. Charger, Inc., 955 F.2d 983 (5th Cir. 1992)

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