

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MIDFIRST BANK,)	
)	
)	PLAINTIFF,
)	NO. 10-cv-822-JPG-PMF
)	
VS)	
)	
ALAN L. WOODROW, SECRETARY OF HOUSING AND)	
URBAN DEVELOPMENT, UNITED STATES OF)	
AMERICA, UNKNOWN HEIRS AND LEGATEES OF)	
ALAN L WOODROW, IF ANY, UNKNOWN OWNERS)	
AND NON RECORD CLAIMANTS,)	
)	
)	DEFENDANTS.

AMENDED MEMORANDUM AND ORDER

THIS CAUSE coming to be heard on Plaintiff’s Motion to Dismiss United States of America and Secretary of Housing and Urban Development and for Remand to State Court (Doc. 26); the United States and Secretary having responded (Doc. 28) that they have no objection to the motion to dismiss; the Court otherwise fully advised in the premises;

IT IS HEREBY ORDERED THAT:

1. The Plaintiff’s Motion (Doc. 26) is **GRANTED**, and pursuant to Federal Rule of Civil Procedure 41(a)(2), the United States of America and the Secretary of Housing and Urban Development are **DISMISSED** as parties to this action **without prejudice**.
2. Pursuant to Federal Rule of Civil Procedure 54(b), there is no just reason for delay of entry of judgment as to the claim between Plaintiff Midfirst Bank and defendants United States of America and Secretary of Housing and Urban Development. The Clerk of Court is **DIRECTED** to enter a Rule 54(b) judgment accordingly.

3. The remainder of this case is **REMANDED** to the Circuit Court of the Second Judicial Circuit, Wayne County, Illinois, for all further proceedings.

Date: November 17, 2011

s/J. Phil Gilbert
J. Phil Gilbert
United States District Judge