

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

DEUTSCHE BANK NATIONAL TRUST COMPANY,	)	
as Trustee for Argent Securities, Inc., Asset-Backed	)	
Pass-Through Certificates, Series 2003-W5,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	No. 11-cv-94-JPG-DGW
GARY BOYD, JACQUELINE J. BOYD, UNITED	)	
STATES OF AMERICA, UNKNOWN OWNERS,	)	
and NON-RECORD CLAIMANTS	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court on the status report (Doc. 21) filed by plaintiff Deutsche Bank National Trust Company as Trustee for Argent Securities, Inc., Asset-Backed Pass-Through Certificates, Series 2003-W5, which the Court construes as a motion to dismiss without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal from all the parties. It appears that defendants Gary and Jacqueline Boyd have entered into a permanent loan modification pursuant to the Home Affordable Modification Program and that all outstanding matters in this foreclosure case have been resolved. Dismissal is therefore appropriate. Accordingly, the Court **GRANTS** the motion to dismiss (Doc. 21), **DISMISSES** this case **without prejudice** and **DIRECTS** the Clerk of Court to close this case. The telephone status conference currently set for November 18, 2011, is **VACATED**.

**Dated this 16th day of November , 2011.**

s/J. Phil Gilbert  
**Honorable J. Phil Gilbert**