

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

THE BANK OF NEW YORK MELLON F/K/A THE BANK
OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATE
HOLDERS OF CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2006-7,
Plaintiff,

v.

CARLA J. MCSMITH, ROBERT D. MCSMITH, US BANK
NATIONAL ASSOCIATION, AS TRUSTEE FOR THE C-
BASS MORTGAGE LOAN ASSET-BACKED
CERTIFICATES, SERIES 2006-DL1, STATE OF ILLINOIS
DEPARTMENT OF EMPLOYMENT SECURITY, UNITED
STATES OF AMERICA, BENEFICIAL ILLINOIS, INC.,
D/B/A BENEFICIAL MORTGAGE COMPANY OF
ILLINOIS, CITIBANK (SOUTH DAKOTA), N.A.
UNKNOWN TENANTS, UNKNOWN OWNERS AND
NON-RECORD CLAIMANTS,
Defendants.

No. 11-cv-972-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on the notice of dismissal (Doc. 32) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) filed by plaintiff the Bank of New York Mellon f/k/a the Bank of New York, as Trustee for the Certificate Holders of CWABS, Inc., Asset-backed Certificates, Series 2006-7, of its claims against defendants Unknown Tenants, Unknown Owners and Non-Record Claimants. Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action without a court order at any time before the opposing party serves an answer or a motion for summary judgment. The applicable defendants have not served an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss this case against those defendants at the present time, the Court finds that the claims against defendants Unknown Tenants, Unknown Owners and Non-Record Claimants are **DISMISSED without prejudice**.

Dated: September 26, 2012

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE