

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:10-CV-142-D

MARK DANIEL LYTTLE, )  
)  
Plaintiff, )  
)  
v. )  
)  
UNITED STATES OF AMERICA, )  
et al., )  
)  
Defendants. )

**ORDER**

Pursuant to the parties stipulation and joint motion for dismissal with prejudice, filed on October 2, 2012, and in accordance with Rule 41 of the Federal Rules of Civil Procedure, and for good cause shown, plaintiff's amended complaint and all actions and claims contained therein are hereby dismissed, with prejudice, as to all federal defendants: the United States of America, Dashanta Faucette, Dean Caputo, and Robert Kendall. Each party shall bear their own respective costs, expenses, and attorney's fees.

In light of this disposition, the memorandum and recommendation of November 14, 2011 [D.E. 75] is VACATED as moot. See United States v. Munsingwear, Inc., 340 U.S. 36, 39-41 (1950).

SO ORDERED. This 2 day of October 2012.

  
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JAMES C. DEVER III  
Chief United States District Judge