

United States District Court
EASTERN DISTRICT OF NORTH CAROLINA

STEVEN JOHN MULLENIX,)
Plaintiff,)

v.)

JUDGMENT IN A CIVIL CASE
CASE NO. 5:09-CV-515-F

ROBIN BARNES and THE OWNERS and)
MANAGEMENT (HERMAN) OF RED AND)
WHITE GROCER, LAWRENCEVILLE, VA,)
Defendant.)

Decision by Court.

IT IS ORDERED AND ADJUDGED that after an independent review of the M&R and the record, the court concludes that the M&R is, in part, correct and in accordance with the law. Specifically, the court ADOPTS the portion of the M&R recommending that the Defendants; Motion to Dismiss for lack of personal jurisdiction be allowed. The court declines to adopt the portion of the M&R recommending that the Defendants' Motion to Dismiss for failure to state a claim be allowed.

For the above reasons, the Defendants' Motion to Dismiss [DE-15] is ALLOWED and the Defendants' Motion to Dismiss [DE-17] is DENIED as moot. The Clerk of Court is DIRECTED to close this case.

THE ABOVE JUDGMENT WAS ENTERED TODAY, **August 24, 2010**, AND A COPY MAILED VIA ELECTRONICALLY OR BY REGULAR MAIL TO:

- Steven John Mullenix (via regular mail - 3727 NC Highway 58, Warrenton, NC 27589)
- Torin Fury (via CM/ECF Notice of Electronic Filing)
- James D. Secor, III (via CM/ECF Notice of Electronic Filing)

August 24, 2010
Date

DENNIS P. IAVARONE
Clerk of Court

Wilmington, North Carolina

/s/ Susan K. Edwards
(By) Deputy Clerk