

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:10-CV-178-H

JAMES UPHAM and MELISSA TYSON,)
)
Plaintiffs,)
)
v.)
)
UNITRIN AUTO AND HOME INSURANCE)
COMPANY,)
)
Defendant.)

ORDER

This matter is before the court on plaintiffs' unopposed motion to remand this action to the Superior Court of New Hanover County, North Carolina [DE #9]. On September 10, 2010, defendant filed a notice removing the action to this court based on the court's diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). The parties have since stipulated that the amount in controversy does not exceed \$75,000. Accordingly, the court is without subject matter jurisdiction over this action and, therefore, GRANTS plaintiffs' motion. This matter is remanded to the Superior Court of New Hanover County, North Carolina. The clerk is directed to close this case.

This 18th day of November 2010.


MALCOLM J. HOWARD

Senior United States District Judge

At Greenville, NC
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