

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:06CV188

U.S. DEPARTMENT OF)
AGRICULTURE-RURAL)
HOUSING SERVICE)
(USDA-RHS),)
))
Plaintiff,)
))
Vs.)
))
EUNICE BROOKS and)
MARTINA CLARK,)
))
Defendants.)
_____)

ORDER OF DISMISSAL

THIS MATTER is before the Court on a Notice of Removal and Application to Proceed without the Prepayment of Fees and Affidavit in support thereof.

It appears that Eunice F. Brooks obtained a loan from the United States Department of Agriculture (Department) in 1982 which is secured by real property known as 1308 Frederick Street, Shelby, North Carolina. When Brooks defaulted on her loan, the Department initiated foreclosure proceedings in state court. It further appears that an unidentified individual

named Martina Clark initiated a request for review of a Director Review Determination by the Department. Clark's standing as it relates to this real estate is not explained. Nonetheless, on May 18, 2006, Deputy Director Terry Johnson denied the request and so notified Clark and Brooks.

The foreclosure was scheduled for June 14, 2006, at 2:30 p.m., in state court in Shelby. On June 13, 2006, Clark filed a notice of removal, signed only by her, along with an application to proceed without the prepayment of fees which was also signed only by her. Brooks has not submitted anything to this Court despite the fact that she is the only debtor disclosed in the matters filed with this Court.

The Court simply cannot deduce from this record what standing, if any, Clark has to remove this matter. As a result, the filings will be dismissed without prejudice to renewal with adequate support.

IT IS, THEREFORE, ORDERED that the notice of removal and application are hereby **DISMISSED**.

3

Signed: June 15, 2006

A handwritten signature in black ink, appearing to read "Lacy H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

