

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09cv101**

NASEEM AHMED, <i>et al.</i>,)	
)	
Plaintiff,)	
)	FIFTH
Vs.)	MEMORANDUM AND
)	RECOMMENDATION
ANTHONY PORTER, <i>et al.</i>,)	
)	
Defendants.)	
)	

THIS MATTER is before the court on the following dispositive motions:

- (1) plaintiff Michael Colbert’s Motion for Voluntary Dismissal Pursuant to Rule 41(a)(2) (#223); and
- (2) plaintiffs Jonathan Lilly’s, William G. Melton, Jr.’s, Marian Melton’s, Randall Corbin’s, and Patricia Corbin’s Motion for Voluntary Dismissal Pursuant to Rule 41(a)(2) (#229).

Review of such motions reveals that Mr. Colbert does not desire to further pursue this action at this time and that the other moving plaintiffs have resolved their respective claims with their lenders and have assigned their claims in this action to those lenders, and that such lenders have authorized the dismissal of these plaintiffs’ claims without prejudice as to such lenders refiling those assigned claims. Further review

of the pleadings reveals that none of the defendants have filed counterclaims against these plaintiffs.

Finally, the court has reviewed the pleadings for any response in opposition, and finding none, will recommend that the relief sought be granted.

RECOMMENDATION

IT IS, THEREFORE, RESPECTFULLY RECOMMENDED that

- (1) plaintiff Michael Colbert's Motion for Voluntary Dismissal Pursuant to Rule 41(a)(2) (#223), and
- (2) plaintiffs Jonathan Lilly's, William G. Melton, Jr.'s, Marian Melton's, Randall Corbin's, and Patricia Corbin's Motion for Voluntary Dismissal Pursuant to Rule 41(a)(2) (#229),

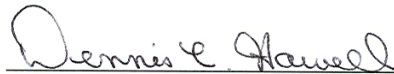
be **ALLOWED**, and that such plaintiffs and their claims be **DISMISSED** without prejudice.

TIME FOR OBJECTIONS

The parties are hereby advised that, pursuant to 28, United States Code, Section 636(b)(1)(C), and Rule 72, Federal Rules of Civil Procedure, written objections to the findings of fact, conclusions of law, and recommendation contained herein must be filed within **fourteen (14)** days of service of same. **Responses to the objections**

must be filed within fourteen (14) days of service of the objections. Failure to file objections to this Memorandum and Recommendation with the district court will preclude the parties from raising such objections on appeal. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986); United States v. Schronce, 727 F.2d 91 (4th Cir.), cert. denied, 467 U.S. 1208 (1984).

Signed: February 17, 2010



Dennis L. Howell
United States Magistrate Judge

