

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09cv294**

RAS SELASSIE BRYSON,)
)
 Plaintiff,)
)
Vs.)
)
OCWEN FEDERAL BANK FSB,)
)
 Defendant.)
_____)

ORDER

THIS MATTER is before the court on its own Motion to Strike Roseboro Order. Review of the court’s docket reveals that a new motion to dismiss has not been filed, and that the Roseboro Order was entered in response to a motion to dismiss that was filed before the Amended Complaint, but not reviewed until after plaintiff amended her complaint. Thus, the court assumed it was a second motion. The court will strike such Roseboro Order as improvidently entered; however, the instructions contained therein to moot out defendant’s Motion to Dismiss are correct and shall stand.

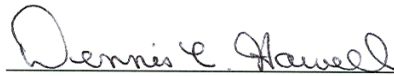
Plaintiff is advised that this means that she has no duty to file any response on or before September 21, 2009. In the event that defendant files a Motion to Dismiss in response to her Amended Complaint, which is very likely, the court will issue

another Roseboro Order again discussing her obligations and instructing her how to properly respond.

ORDER

IT IS, THEREFORE, ORDERED that the Roseboro Order entered September 8, 2009 (#14), is **STRICKEN** as improvidently entered, except the provision instructing the Clerk of court to moot out the Motion to Dismiss (#11) remains in effect.

Signed: September 16, 2009



Dennis L. Howell
United States Magistrate Judge

