## THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CIVIL CASE NO. 1:11-cv-00071-MR-DLH

SYNOVUS BANK,	
Plaintiff,	
vs.	ORDER
BOKKE IV L.L.C., JAMES ELEY, LAURA KELLY, JOHN KELLY, SR., MARLON NIEMAND, MARK P. KELLY, JOHN G. RECKENBEIL, and SIMON MANNION,	
Defendants,	
vs.	
KEITH VINSON, et al.,	
Third Party Defendants.	

**THIS MATTER** is before the Court on the Notice of Voluntary Dismissal filed by Defendant James Eley, which the Court construes as a motion to dismiss. [Doc. 175].

In response to the Court's Order of March 6, 2014 [Doc. 171], the Defendant James Eley has filed a notice indicating that he wishes to voluntarily dismiss his claims against the Third Party Defendants in this

action. The Court will construe Defendant Eley's filing as a motion to dismiss pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and will grant the motion.

IT IS, THEREFORE, ORDERED that the Defendant Eley's motion to dismiss [Doc. 175] is **GRANTED**, and the third-party claims asserted by Defendant Eley in this action are hereby **DISMISSED**.

IT IS SO ORDERED.

Signed: March 24, 2014

Martin Reidinger

United States District Judge

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