

**THE UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
 ASHEVILLE DIVISION  
 CIVIL CASE NO. 1:11cv278**

**JULIE BERRY and KENNETH** )  
**BERRY,** )  
) )  
**Plaintiffs,** )  
) )  
**vs.** )  
) )  
**DAVID LEE SPROUSE,** )  
) )  
**Defendant.** )  


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 )

**ORDER**

**THIS MATTER** is before the Court *sua sponte*.

On February 7, 2012, the parties submitted a joint motion for a remand of this action to the Superior Court of Polk County, North Carolina. [Doc. 5]. Based on the parties' joint motion, the Court entered an Order of Remand on February 8, 2012. [Doc. 6]. As this case was originally filed in this Court and not removed from state court, the Order of Remand was entered in error. The Order of Remand is therefore vacated, and the parties shall have seven (7) days in which to file a Stipulation of Dismissal.

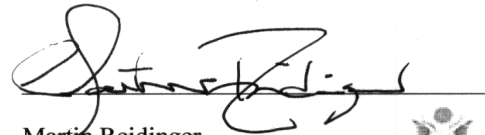
**IT IS, THEREFORE, ORDERED** that the Order of Remand [Doc. 6] is **VACATED**.

**IT IS FURTHER ORDERED** that the parties shall have seven (7) days in which to file a Stipulation of Dismissal.

The Clerk of Court is directed to provide copies of this Order to counsel for the Plaintiffs, counsel for the Defendant, and the Clerk of the Superior Court of Polk County, North Carolina.

**IT IS SO ORDERED.**

Signed: February 14, 2012

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger  
United States District Judge

