

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.) **O R D E R**
)
DAVID LEE SPROUSE,)
)
Defendant.)
)

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.

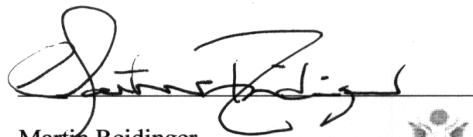
IT IS, THEREFORE, ORDERED that the Order of Remand [Doc. 6] is **VACATED**.

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



Martin Reidinger
United States District Judge

