

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11-CV-326

GREGORY CARTER, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 BANK OF AMERICA, N.A.,)
)
 Defendant.)
 _____)

ORDER

This matter is before the Court upon the memorandum and recommendation of United States Magistrate Dennis L. Howell, filed September 12, 2012 [Doc. No. 37]. The parties were advised that, pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72, written objections to the memorandum and recommendation must be filed within 14 days after service of the same. No objections were filed.

After an independent and thorough review of the magistrate's memorandum, the Court concludes that the recommendation to grant the Motion to Dismiss [#36] is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are accepted, and Plaintiffs' Motion to Dismiss is GRANTED and the claims of Plaintiffs Christopher Cruz, Donna Panarello, John Michael Park, Penelope Park, David A. Sanders, Kimberly K. Sanders, Keith Behrens, Michelle Behrens, Robert S. Burt, Michael Craig, Susan Craig, Joseph Grusser, Cathy Grusser, Edith L. Hansen, Kenneth Kosco, Oliver Morard, Linda Morard, John Sebastiano, Laurie Sebastiano, Stephen Shoemaker, and Karen Shoemaker are DISMISSED without prejudice pursuant to Rule 41(a)(2)..

IT IS THEREFORE ORDERED that the memorandum and recommendation of the magistrate is hereby AFFIRMED.

Signed: October 9, 2012

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

