

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:18-cv-00164-MR**

**METROPOLITAN LIFE INSURANCE)
COMPANY,)**

Plaintiff,)

vs.)

**STELLETTA SMITH-HOWELL and)
TRAVIS FLACK,)**

Defendants.)

ORDER

THIS MATTER is before the Court on the Plaintiff's Motion for Dismissal and Discharge [Doc. 12].

The Plaintiff and Stakeholder in Interpleader, Metropolitan Life Insurance Company, moves for an Order dismissing it from this action with prejudice, with full and complete discharge from any liability to any of the Claimants in Interpleader related to the subject matter of this lawsuit. [Doc. 12]. The docket reflects, however, that neither of the Defendants/potential Claimants in Interpleader has answered or otherwise responded to the

Plaintiff's Complaint. Accordingly, the Court finds that the Plaintiff's motion is premature.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion for Dismissal and Discharge [Doc. 12] is **DENIED WITHOUT PREJUDICE** as premature.

IT IS SO ORDERED.

Signed: September 6, 2018


Martin Reidinger
United States District Judge

