

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION**

**CIVIL CASE NO. 2:12cv09**

**ANDREW CARLTON and** )  
**CHERYLE CARLTON,** )  
 )  
**Plaintiffs,** )  
 )  
**vs.** )  
 )  
**GREENPOINT MORTGAGE** )  
**FUNDING, INC., et. al.,** )  
 )  
**Defendants.** )  
\_\_\_\_\_ )

**ORDER**

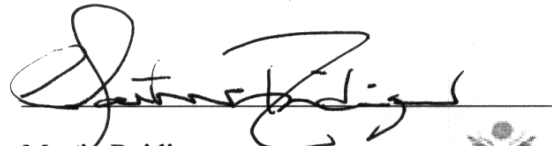
**THIS MATTER** is before the Court on the Plaintiffs' Motion to Dismiss [Doc. 15]. No response in opposition has been filed.

Although the pleading is denominated as a motion, it is actually a Notice of Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). The Plaintiffs note in the pleading that no answer or motion for summary judgment has been filed and reference Rule 41(a)(1)(A). [Doc. 15]. That Rule provides that a plaintiff may dismiss an action without court order by filing a notice of dismissal before the opposing party has filed an answer or motion for summary judgment. The motion will therefore be construed as such.

**IT IS, THEREFORE, ORDERED** that the Plaintiffs' Motion to Dismiss [Doc. 15] is hereby construed as a Notice of Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A).

The Clerk of Court is instructed to terminate this as a pending case.

Signed: July 3, 2012

  
Martin Reidinger  
United States District Judge

