

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:10-cv-260-FDW-DSC**

SHIRLEY R. HARDIN,)
)
 Plaintiff,)
)
 vs.)
)
 FRANCIS KATEH and ANSON COUNTY)
 HEALTH DEPARTMENT,)
)
 Defendants.)


ORDER

THIS MATTER is before the Court *sua sponte* upon consideration of Defendant’s Sur-Reply to Plaintiff’s Sur-Response to Defendant’s Motion to Dismiss. After reviewing Defendant’s Motion to Dismiss, Plaintiff’s response and sur-response, and the applicable law, the Court will convert Plaintiff’s sur-response into an Amended Complaint. Accordingly, Plaintiff has added a claim for racial discrimination in violation of Title VII. Defendant has seven days from the entry of this order, or until March 9, 2011, in which to respond.


Furthermore, pursuant to Fed. R. Civ. P. 41(a)(2), and at Plaintiff’s request,¹ Plaintiff’s gender- and national-origin discrimination claims are hereby DISMISSED without prejudice.

IT IS SO ORDERED.

Signed: March 1, 2011



Frank D. Whitney
United States District Judge



¹ “The plaintiff moves the court to dismiss the second charge without prejudice. The second charge # 430-2010-02193 [alleging gender- and national-origin discrimination] I mean the charge the EEOC has not finished investigating [*sic.*]. . . .” (Doc. No. 21 at 3).