

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15CV103

SHON ASHBY, *et al.*,)
)
Plaintiffs,)
)
Vs.)
)
CITY OF CHARLOTTE, *et al.*,)
)
Defendants.)
_____)

ORDER

This matter is before the Court upon Defendant Calvary Church's Motion to Dismiss the *pro se* Plaintiffs' complaint against it pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. A *Roseboro* notice was sent to Plaintiffs on May 7, 2015 directing Plaintiffs to file a response to Defendant Calvary Church's motion by May 21, 2015. To date, Plaintiffs have failed to file such a response.

It appears to the Court that Plaintiffs have failed to state a claim under 42 U.S.C. § 1983 against Defendant Calvary Church, as Plaintiffs have failed to allege that any actions taken by this Defendant were under color of state law. Accordingly,

IT IS THEREFORE ORDERED that Defendant Calvary Church's Motion to Dismiss is hereby GRANTED and Plaintiffs' Complaint against this Defendant is dismissed with prejudice.

Signed: July 23, 2015



Graham C. Mullen
United States District Judge

