

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-cv-120-RJC-DSC**

SHARON THOMAS,)
)
 Plaintiff,)
)
 v.)
)
 STATE OF NORTH CAROLINA, UNC)
 HEALTHCARE SYSTEM SERVICES,)
 LLC, UNC SCHOOL OF MEDICINE,)
 ZACONJIA C. TITUS, ORANGE)
 COUNTY GOVERNMENT, DENISE)
 SHAFFER, DUSTON LOWELL,)
 VANGUARD PROFESSIONAL)
 STAFFING, SUSAN BOYETTE, and)
 ORANGE COUNTY DEPARTMENT)
 OF SOCIAL SERVICES,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER comes before the Court on Defendants Vanguard Professional Staffing and Susan Boyette’s Motion to Dismiss Plaintiff’s Amended Complaint, (Doc. No. 37); Defendants Orange County Government, Orange County Department of Social Services, Dustin Lowell, and Denise Shaffer’s Motion to Dismiss Plaintiff’s Amended Complaint, (Doc. No. 38); The State of North Carolina’s Motion to Dismiss, (Doc. No. 44); Plaintiff’s Motion to Stay of All Civil Claims and Proceedings, (Doc. No. 51); Plaintiff’s Continued Motion for Stay of All Civil Claims and Proceedings, (Doc. No. 54); the Magistrate Judge’s Memorandum and Recommendation (“M&R”), (Doc. No. 59); and Plaintiff’s Motion for Voluntary Dismissal, (Doc. No. 62).

In lieu of filing objections to the M&R, Plaintiff has filed her Motion for Voluntary

Dismissal under Federal Rule of Civil Procedure 41. Although filed as a motion, the Court interprets this document as a notice of dismissal pursuant to Rule 41(a)(1)(A). If a plaintiff files a notice of dismissal before the adverse party serves it with “an answer or a motion for summary judgment,” the dismissal is available as a matter of unconditional right. Fed. R. Civ. P. 41(a)(1)(A)(i); Marex Titanic, Inc. v. Wrecked & Abandoned Vessel, 2 F.3d 544, 546 (4th Cir. 1993). No defendant has filed an answer or motion for summary judgment in this case; therefore, Plaintiff’s Motion for Voluntary Dismissal must be **granted**.

IT IS, THEREFORE, ORDERED that:

1. Defendants Vanguard Professional Staffing and Susan Boyette’s Motion to Dismiss Plaintiff’s Amended Complaint, (Doc. No. 37), is **DISMISSED as moot**.
2. Defendants Orange County Government, Orange County Department of Social Services, Dustin Lowell, and Denise Shaffer’s Motion to Dismiss Plaintiff’s Amended Complaint, (Doc. No. 38), is **DISMISSED as moot**.
3. The State of North Carolina’s Motion to Dismiss, (Doc. No. 44), is **DISMISSED as moot**.
4. Plaintiff’s Motion to Stay of All Civil Claims and Proceedings, (Doc. No. 51), is **DISMISSED as moot**.
5. Plaintiff’s Continued Motion for Stay of All Civil Claims and Proceedings, (Doc. No. 54), is **DISMISSED as moot**.
6. The Magistrate Judge’s Memorandum and Recommendation, (Doc. No. 59), is **TERMINATED as moot**.
7. Plaintiff’s Motion for Voluntary Dismissal, (Doc. No. 62), is **GRANTED**, and this action is **DISMISSED without prejudice**.

8. The Clerk of Court is directed to close this case.

Signed: March 29, 2016

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

