

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:16-CV-701-DCK**

**MARSHALL O. LOWERY,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **UNITED STATES OF AMERICA,** )  
 )  
 **Defendant.** )  
 )

---

**ORDER**

**THIS MATTER IS BEFORE THE COURT** *sua sponte* regarding the status of the litigation. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate.

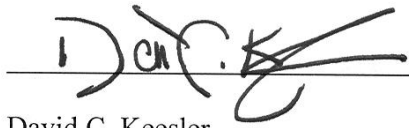
The undersigned notes that an “Order” (Document No. 62) was entered on September 26, 2018, granting in part and denying in part “Plaintiff’s Motion For Summary Judgment” (Document No. 33) and denying Defendant’s “Cross-Motion For Summary Judgment” (Document No. 36). That decision explained that “there are issues of fact as to the preparation of the other six (6) returns that should be considered by a jury, unless the parties are able to resolve this matter.” (Document No. 62, p. 22).

On May 17, 2019, three (3) days before the scheduled trial date, the parties filed a “Notice Of Settlement” informing the Court that the parties had “reached a settlement agreement that resolves all issues to be determined in the jury trial” and would make a filing related to Plaintiff’s request for attorney’s fees and costs. (Document No. 84, p. 1).

Thereafter, the undersigned issued an “Order” (Document No. 97) granting “Plaintiff’s Motion For Award Of Costs And Fees” (Document No. 89) on March 11, 2020.

Based on the foregoing, the undersigned finds that all pending issues in this matter have now been resolved, and that the case should now be closed.

**IT IS, THEREFORE, ORDERED** that this matter be **CLOSED**.

  
\_\_\_\_\_  
David C. Keesler  
United States Magistrate Judge



Signed: March 16, 2020