

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:10CV33-03-MU

DEWAYNE LEE ANTHONY, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 JOHN HARVEY SMITH, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before this Court upon Defendant’s Motion to Dismiss (Document No.20.) It appears that the Defendant may be entitled to have his Motion to Dismiss granted .

**PETITIONER ANTHONY READ THIS:**

You now have the opportunity to reply to the Defendant Smith’s Motion. You may not allege new facts surrounding the events in question as part of your reply. You should base your reply and argument(s) solely on the matters set forth in your original Complaint and/or those set forth in the Defendant Smith’s Motion to Dismiss.

You are further advised that you have twenty (20) days from the filing of this Order in which to file your reply in opposition to the Defendant’s Motion to Dismiss. **FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO DISMISSAL.**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the Plaintiff has twenty (20) days from the filing of this Order in which to provide a response to Defendant Smith’s Motion to

Dismiss. **IT IS FURTHER ORDERED** that Plaintiff's Motion to Dismiss Defendant's Motion for Extension of Time (Doc. No. 19) is DISMISSED as MOOT

**SO ORDERED.**

Signed: July 1, 2010

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

