

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA,)	CIVIL ACTION NO. 6:08-1524-HFF
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
SAMANTHA (SAMMIE) P.)	
STEWART, As Power of)	
Attorney for BARNET ELMER)	
OLSON, Deceased, JOHN DOE,)	
which designates the class)	
of unknown adults, and)	
RICHARD ROE, which)	
designates the class of)	
unknown infants or persons)	
under disability, and all)	
other persons unknown)	
claiming any right, title,)	
estate, interest in or lien)	
upon the real estate)	
described in the Complaint)	
herein,)	
)	
Defendants.)	

This is an action for foreclosure of a real estate mortgage. Plaintiff's Motion for Summary Judgment is before the Court.

In deciding a summary judgment motion, the court must look beyond the pleadings and determine whether there is a genuine need for trial. *Matsushita Electric Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986). The court must determine "whether the evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided that one party must prevail as a matter of law."

Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 251-53 (1986). An issue of fact is "genuine" if the evidence is such that a reasonable jury could return a verdict for Plaintiffs. *Id.* at 248. An issue of fact concerns "material" facts only if establishment of the fact might affect the outcome of the lawsuit under governing substantive law. *Id.* If Plaintiff carries its burden of showing that there is no genuine issue of material fact in dispute, Defendant must demonstrate by affidavits, depositions, answers to interrogatories, and admissions on file, that there is a genuine issue of material fact for trial. *Celotex Corp. v. Catrett*, 477 U.S. 317, 324-25 (1986).

In this case, Plaintiff's Motion for Summary Judgment and accompanying exhibits satisfied its burden of demonstrating an absence of genuine issues of material fact in dispute regarding its claims against defendant class Richard Roe. Defendant class Richard Roe responded to Plaintiff's Motion for Summary Judgment, but failed to demonstrate a genuine issue of material fact for trial.

It is therefore ORDERED that Plaintiff's Motion for Summary Judgment against defendant class Richard Roe be granted and judgment entered against defendant class Richard Roe.

s/Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

Spartanburg, South Carolina

November 17, 2008