

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

NO. COA06-530

NORTH CAROLINA COURT OF APPEALS

Filed: 2 January 2007

SCOTT A. MUELLER,  
Plaintiff

v.

VIVIAN C. BRANTLEY, Individually,  
BOBBY D. CONWAY, et ux, LINDA  
CONWAY, Individually, THOMAS H.  
CONWAY, Individually, THE ESTATE  
OF JOHN ALLEN CONWAY, JR.,  
THOMAS H. CONWAY and DOROTHY C.  
WHITE, Co-Executors, WALLACE  
CONWAY, et ux, PATRICIA CONWAY,  
Individually, BARBARA JEAN  
KESTER, Individually, ETHELYN C.  
PEYTON, et vir, LEVIE E. PEYTON,  
JR., Individually, DOROTHY C.  
WHITE, Individually,  
Defendants

Pitt County  
No. 02-CVS-3034

Appeal by defendant Wallace Conway from judgment entered 15 November 2005 by Judge W. Russell Duke, Jr. in Pitt County Superior Court. Heard in the Court of Appeals 15 November 2006.

*Horne & Horne, PLLC, by Stephen F. Horne, III, for plaintiff-appellee.*

*Wallace R. Conway, defendant-appellant, pro se.*

HUNTER, Judge.

Wallace Conway ("defendant"), acting *pro se*, appeals from summary judgment entered in favor of Scott A. Mueller ("plaintiff"). For the reasons stated in *Mueller v. Brantley*, \_\_\_\_

N.C. App. \_\_\_, \_\_\_ S.E.2d \_\_\_ (No. COA06-759 filed 2 January 2007),  
this appeal is dismissed.

Dismissed.

Judges McCULLOUGH and ELMORE concur.

Report per Rule 30(e).