

JEFFREY BERNARD LINEBERGER v. NORTH CAROLINA DEPARTMENT OF CORRECTION, a North Carolina State Agency, and THE NORTH CAROLINA POST-RELEASE SUPERVISION AND PAROLE COMMISSION, a North Carolina State Agency

No. 141A08

FILED: 12 DECEMBER 2008

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 189 N.C. App. \_\_\_, 657 S.E.2d 673 (2008), affirming an order and judgment entered on 7 June 2006 by Judge Donald W. Stephens in Superior Court, Wake County. On 11 June 2008, the Supreme Court allowed defendants' petition for discretionary review of additional issues. Heard in the Supreme Court 18 November 2008.

*Glover & Petersen, P.A., by Ann B. Petersen and James R. Glover, for plaintiff-appellee.*

*Roy Cooper, Attorney General, by Elizabeth F. Parsons, Assistant Attorney General, for defendant-appellants.*

PER CURIAM.

As to the issue on direct appeal based on the dissenting opinion, we affirm the majority decision of the Court of Appeals. We conclude that the petition for discretionary review as to additional issues was improvidently allowed.

AFFIRMED IN PART; DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED IN PART.