

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

NO. 4:23-CV-146-FL

JEREMY GRAHAM, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 WAYNE COUNTY SHERIFF and A.D. )  
 WILCOX in his individual capacity, )  
 )  
 Defendants. )


ORDER

This matter is before the court upon plaintiff’s motion for leave to proceed in forma pauperis (DE 2), and upon review of plaintiff’s complaint pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Brian S. Meyers entered memorandum and recommendation (“M&R”), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended plaintiff’s complaint be dismissed (DE 6). Plaintiff did not file objections to the M&R, and the time within which to make any objection has expired. In this posture, the issues raised are ripe for ruling.

Upon a careful review of the M&R, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge’s findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

Here, the magistrate judge recommends dismissal of plaintiff's action because of failure to state a claim upon which relief can be granted. Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. The court hereby ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, plaintiff's claim for denial of access to the courts is DISMISSED WITHOUT PREJUDICE, and all other claims are DISMISSED WITH PREJUDICE for failure to state a claim upon which relief can be granted under 28 U.S.C. § 1915(e)(2)(B)(i) and (ii). The clerk of court is DIRECTED to close the case.

SO ORDERED, this the 8th day of May, 2024.

  
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LOUISE W. FLANAGAN  
United States District Judge