

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:08-CV-341-H

BAXTER WORTH PASCHAL, JR.,)
)
 Plaintiff,)
)
)
 v.)
)
)
UNITED STATES OF AMERICA,)
)
)
 Defendant.)

ORDER


This matter is before the court for frivolity review pursuant to 28 U.S.C. § 1915. On November 26, 2008, Magistrate Judge David W. Daniel filed an Order and Memorandum and Recommendation ("M&R") granting plaintiff's motion to reconsider his application to proceed in forma pauperis but recommending that plaintiff's claim be dismissed. Objections have been filed by the plaintiff, and this matter is ripe for adjudication.

The court has reviewed plaintiff's objections and finds them to be wholly without merit. A full and careful review of the M&R and other documents of record convinces the court that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved.

Accordingly, the court hereby adopts the recommendation of the magistrate judge as its own, and for the reasons stated therein, plaintiff's complaint is dismissed. The clerk is directed to close this case. The motion to dismiss, filed by the government on

November 21, 2008, is hereby dismissed as moot.

This 5th day of May 2009.


MALCOLM J. HOWARD
Senior United States District Judge

Greenville, NC
#26