

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

NO. 5:10-CV-557-FL

RENWICK L. TART, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 JULIA TART, )  
 )  
 Defendant. )

ORDER

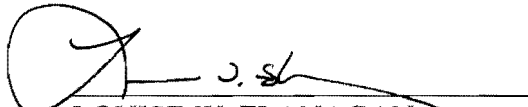
This matter comes before the court on the memorandum and recommendation (“M&R”) of Magistrate Judge Robert B. Jones Jr., pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b). The magistrate judge recommends that the court dismiss plaintiff’s *in forma pauperis* complaint for lack of subject matter jurisdiction under 28 U.S.C. § 1915(e)(2). No objections to the M&R have been filed.

Plaintiff, a North Carolina resident, filed an application to proceed *in forma pauperis* in this action on December 8, 2010. In his complaint, plaintiff alleges that his wife, also a North Carolina resident, made a defamatory statement about him on Facebook. The magistrate judge noted that defamation is a cause of action arising under state tort law, and that this federal court does not have jurisdiction over such claims absent diversity of citizenship.

Absent a specific and timely filed objection, the court reviews a magistrate judge’s recommendation under 28 U.S.C. § 636(b) 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). The court has carefully considered the complaint and the magistrate judge's analysis. The court agrees with the magistrate judge that subject matter jurisdiction is lacking in this case, and accordingly ADOPTS the M&R (DE # 3) as its own. This action is DISMISSED.

SO ORDERED, this the 14<sup>th</sup> day of January, 2011.

  
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LOUISE W. FLANAGAN  
Chief United States District Judge