

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:11-CV-256-F

LORENZO RICHARDSON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 STATE OF NORTH CAROLINA and )  
 DIVISION OF MENTAL HEALTH, )  
 )  
 Defendants. )

ORDER

This matter is before the court for consideration of the Memorandum and Recommendation (“M&R”) [DE-4] filed by United States Magistrate Judge David W. Daniel concerning the frivolity review of the *pro se* Plaintiff’s complaint pursuant to 28 U.S.C. § 1915. Therein, Judge Daniel recommended that Plaintiff’s complaint be dismissed on frivolity review for failure to state a claim on which relief may be granted in federal court. Plaintiff timely filed an objection [DE-6] to Judge Daniel’s M&R. For the reasons stated below, the court overrules Plaintiff’s objection and orders that Plaintiff’s complaint be **DISMISSED** for failure to state a claim on which relief may be granted.

**I. ANALYSIS**

A district court may “designate a magistrate judge to submit . . . proposed findings of fact and recommendations for the disposition” of a variety of motions. 28 U.S.C. § 636(b)(1)(B). The court then must “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). Upon review

of the record, “the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*

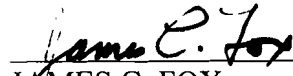
In the M&R, Judge Daniel observes that the complaint fails to state a claim upon which relief may be granted. In his objection to the M&R, Plaintiff offers no argument that alters this analysis. Moreover, after a full and careful review of the M&R and the record, the court determines that the M&R is in all aspects correct and in accordance with the law. Consequently, after careful consideration of the objection and M&R de novo, the court overrules Plaintiff’s objection.

## II. CONCLUSION

Accordingly, the court ADOPTS the recommendation [DE-4] as its own. The court overrules Plaintiff’s objection [DE-6] and orders that Plaintiff’s complaint be **DISMISSED** for failure to state a claim on which relief may be granted. The Clerk of Court is directed to CLOSE this case.

SO ORDERED.

This the 16th day of August, 2011.

  
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JAMES C. FOX  
Senior United States District Judge