

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:11-CV-587-D

CARLYLE E. WATERS,

Plaintiff,

v.

DR. MIN, et al.,

Defendants.

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**ORDER**

On November 28, 2012, United States Magistrate Judge James E. Gates issued a Memorandum and Recommendation (“M&R”) [D.E. 3]. In that M&R, Judge Gates recommended that plaintiff’s application to proceed in forma pauperis be allowed and that plaintiff’s complaint be dismissed as frivolous. No party filed objections to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis removed) (quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Plaintiff’s application to proceed in forma pauperis is GRANTED, and plaintiff’s complaint is DISMISSED as frivolous. Plaintiff’s motion for appointment of counsel

[D.E. 5] is DENIED as moot. The Clerk of Court is directed to close the case.

SO ORDERED. This 22 day of January 2013.

  
JAMES C. DEVER III  
Chief United States District Judge