

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

No. 5:12-CV-735-FL

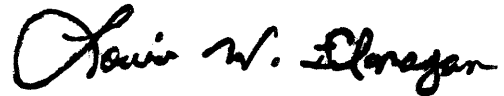
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| HOWARD E. LUCAS, |) | |
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| SERGEANT SEAN BRAKE, sued |) | |
| individually and in official capacity; |) | |
| NORLINA POLICE CHIEF CHARLIE |) | |
| BARKER, sued individually and in |) | |
| official capacity; TOWN OF NORLINA; |) | |
| SHERIFF OF WARREN COUNTY |) | |
| JOHNNY M. WILLIAMS sued |) | |
| individually and in official capacity., |) | |
| WARREN COUNTY DETENTION |) | |
| CENTER EMPLOYEES JOHN AND |) | |
| JANE DOE(S), sued individually and in |) | |
| official capacity, |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge , regarding the following motions: motion to dismiss by Johnny M. Williams (DE 14), motion to dismiss by Norlina Police Department (DE 20), and motion to dismiss amended complaint by Johnny M. Williams (DE 24). No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

Upon careful review of the M&R and of the record generally, having found no clear error, the court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, the motion to dismiss by Johnny M. Williams (DE 14) is DENIED AS

MOOT, the motion to dismiss by Norlina Police Department (DE 20) is DENIED AS MOOT,¹ and motion to dismiss amended complaint by Johnny M. Williams (DE 24) is DENIED. All deadlines and requirements set forth in the court's case management order entered March 22, 2013, remain in effect.

SO ORDERED this the 21st day of June, 2013.



LOUISE W. FLANAGAN
United States District Judge

¹ In addition to the reasons stated in the M&R, the court notes that the motion to dismiss by Norlina Police Department is denied as moot because the amended complaint filed February 4, 2013, does not name Norlina Police Department as a defendant in this case.