

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

NO. 5:13-CV-738-FL

ANTHONY MCNAIR,)
)
 Plaintiff,)
)
 v.)
)
 EASTERN DISTRICT NC FEDERAL)
 OFFICIALS, N.C. GENERAL)
 ASSEMBLY STATE OFFICIALS)
)
 Defendants.)

ORDER

This matter comes before the court on memorandum and recommendation (“M&R) of Magistrate Judge James E. Gates, pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), wherein it is recommended that plaintiff’s complaint must be dismissed upon frivolity review pursuant to 28 U.S.C. § 1915(e)(2).

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.” 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). In this case, the magistrate judge determined that plaintiff’s revised complaint failed to set forth sufficiently particularized facts to state a claim cognizable under law, due to vagueness of the complaint. (M&R at 5-6). In addition, the magistrate judge determined that plaintiff’s claims were otherwise barred by this court’s pre-filing injunction and due to immunity. (Id.).

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, this matter is DISMISSED as frivolous pursuant to 28 U.S.C. § 1915(e)(2).

The clerk of court is directed to close the case.

SO ORDERED, this the 7th day of May, 2014.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive style with a large initial "L".

LOUISE W. FLANAGAN
United States District Judge