

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

No. 5:15-CV-53-H

KIMBERLY A REATH,,
Plaintiff,

v.

SOCIAL SECURITY
ADMINISTRATION,
Defendant.

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ORDER


This matter is before the court on frivolity review. Plaintiff initiated this action by filing an application to proceed in forma pauperis (IFP) and proposed complaint. United States Magistrate Judge Kimberly A. Swank entered an order on August 10, 2015, granting plaintiff's motion to proceed IFP and directing plaintiff to particularize her complaint. Plaintiff filed a timely particularized complaint on September 1, 2015, however, it did not contain the information requested in the August 10, 2015, order. Judge Swank then filed a Memorandum and Recommendation ("M&R") recommending plaintiff's claims against defendant be dismissed for lack of subject matter jurisdiction, or alternatively, failure to state a claim. Defendant filed timely objections to the M&R on April 1, 2015.

The court has carefully reviewed the M&R, objections, and other documents of record. Based on its de novo review, see 28

U.S.C. § 636(b) (After conducting a de novo review, the district judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge..."), the court finds that the recommendation of Magistrate Judge Swank is, in all respects, in accordance with the law and should be approved. Plaintiff's objections fail to show this court has jurisdiction over any attempted claims or that plaintiff states a claim upon which relief may be granted.

Accordingly, the court ADOPTS the recommendation of the magistrate judge as its own and hereby DISMISSES plaintiff's claims for lack of subject matter jurisdiction, or alternatively, for failure to state a claim upon which relief may be granted.

This 14th day of April 2016.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
#26