

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-CV-693-D

WILTON LLOYD KING,)
)
 Plaintiff,)
)
 v.)
)
 CMH HOMES, INC.,)
)
 Defendant.)

ORDER


On June 21, 2017, Magistrate Judge Jones issued a Memorandum and Recommendation (“M&R”) [D.E. 28]. In that M&R, Judge Jones recommended that the case be dismissed with prejudice and that plaintiff and/or his counsel pay counsel for defendant \$2,822.50 for expenses incurred in bringing defendant’s motion to compel [D.E. 17] and for failing to comply with the court’s order [D.E.19]. See M&R at 11. Neither party objected 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) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). 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.” Diamond, 416 F.3d at 315 (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.

The court ADOPTS the conclusions in the M&R [D.E. 28]. Plaintiff's complaint is DISMISSED with prejudice. Plaintiff's counsel is ORDERED to pay counsel for defendant \$2,822.50 by July 21, 2017. Defendant's contingent motion to modify the scheduling order [D.E. 29] is DISMISSED as moot. The clerk shall close the case.

SO ORDERED. This 17 day of July 2017.



JAMES C. DEVER III
Chief United States District Judge