

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

No.5:17-CV-00466-FL

CECELIA D. WALTON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 CALVIN E. JAMERSON, CARLA )  
 JAMERSON and MILLER JAMERSON,<sup>1</sup> )  
 )  
 Defendants. )

ORDER

This matter is before the court upon frivolity review of plaintiff’s complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). Pursuant to 28 U.S.C. § 631(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Kimberly A. Swank entered an memorandum and recommendation (“M&R”) wherein it is recommend that the court dismiss the case. (DE 7). Plaintiff has not filed objections to the M&R, and the time to make any objection has expired. In this posture, the issues raised are ripe for ruling. For the reasons that follow, the court adopts the magistrate judge’s recommendation and analysis, and dismisses plaintiff’s complaint.

Upon careful review of the M&R, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge’s findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. Diamond

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<sup>1</sup> The court constructive amends the case caption is amended to reflect the dismissal of defendant Virgena Glass Muncy as party to this action. (See DE 6).

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).

Here, the magistrate judge recommends that plaintiff's complaint be dismissed for lack of subject matter jurisdiction. Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. The court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, DISMISSES plaintiff's complaint for lack of subject matter jurisdiction. The clerk is DIRECTED to close this case.

SO ORDERED, this the 30th day of November, 2017.

  
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LOUISE W. FLANAGAN  
United States District Judge