

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

MICHAEL E. THRASH, )  
)  
Plaintiff, )  
)  
v. )  
)  
NORTH CAROLINA DEPARTMENT )  
OF HEALTH AND HUMAN SERVICES, )  
Division of Medicaid Assistance; ELLA )  
SIMMONS; JAMES R. GILREATH; )  
DARE COUNTY AIRPORT )  
AUTHORITY; and DAVID P. FARROW, )  
)  
Defendants. )

**JUDGMENT**

No. 7:10-CV-243-FL

**Decision by Court.**

This action came before the Honorable Louise W. Flanagan, Chief United States District Judge, for consideration of the Memorandum and Recommendation by United States Magistrate Judge William A. Webb on plaintiff’s complaint, and the Memorandum and Recommendation by United States Magistrate Judge William A. Webb on defendant Dare County Airport Authority’s motion to dismiss or, in the alternative, for judgment on the pleadings, plaintiff’s motion to appoint counsel and plaintiff’s motion for summary judgment.

**IT IS ORDERED, ADJUDGED AND DECREED** in accordance with the court’s orders entered on February 28, 2011 and September 7, 2011, and for reasons stated more specifically therein, that:

- (1) Plaintiff’s claims against all defendants except Dare County Airport Authority are DISMISSED as frivolous;
- (2) Plaintiff’s motion to appoint counsel is DENIED and plaintiff’s motion for summary judgment is DENIED; and,
- (3) Defendant Dare County Airport Authority’s motion to dismiss is DENIED, but defendant’s alternative motion for judgment on the pleadings pursuant to Rule 12(c) is GRANTED.

The plaintiff shall have and recover nothing from this action.

**This Judgment Filed and Entered on September 9, 2011, and Copies To:**

Michael E. Thrash (0408034) (via U.S. Mail)

Tabor Correctional Institution, PO Box 730, Tabor City, NC 28463

John E. Grupp (via CM/ECF Notice of Electronic Filing)

September 9, 2011

DENNIS P. IAVARONE, CLERK

/s/ Christa N. Baker

(By) Christa N. Baker, Deputy Clerk