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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CHARLES RAY BROOKS, III

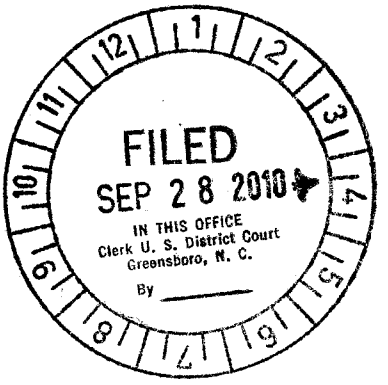
Plaintiff,

v.

B. J. BARNES, SHERIFF OF GUILFORD COUNTY, MAJOR MONTGOMERY, CAPTAIN C. WILLIAMSON, SGT. HAIRSTON, SGT. R. TINSLEY, CAPTAIN D. S. ROBERTSON, LT. ROLLINS, SGT. ROBERT LANIER

Defendants.

1:09CV214



ORDER

This matter is before this court for review of the Memorandum Opinion, Order, and Recommendation of United States Magistrate Judge ("Report") (Doc. 23) filed on September 8, 2010, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). In the Report, the Magistrate Judge recommends that Defendant's' Motion is Dismiss (Doc. 9) be denied, that Plaintiff's Motion for Production of Documents (Doc. 18), and Motion for Interrogatories, (Doc. 19) are denied as unripe. The Report was served on the parties to this action on September 8, 2010. No objections have been filed to the Report.

This court is required to "make a de novo determination of those portions of the Magistrate Judge's report or specified

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proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). In the absence of objections, this court reviews the Report only for clear error. See Diamond v. Colonial Life & Accident Co., 416 F.3d 310, 315 (4th Cir. 2005).

This court has appropriately reviewed the Report and finds that the Report should be adopted. This court therefore adopts the Report.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and recommendation (Doc. 23) is ADOPTED.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (Doc. 9) is **DENIED**, but without prejudice to re-filing after Plaintiff has an opportunity to amend his Complaint.

IT IS FURTHER ORDERED that Plaintiff's Motion for the Production of Documents (Doc. 18) and Motion for Interrogatories (Doc. 19) are **DENIED** as unripe.

This the 28 day of September 2010.

William L. Osteen, Jr.
United States District Judge