

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

CHARLES HART,	)	
	)	
Plaintiff, pro se,	)	
	)	
vs.	)	1:09CV311
	)	
AAMCO TRANSMISSIONS, INC.,	)	
	)	
Defendant.	)	

ORDER

On August 12, 2009, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed, and notice was served on Plaintiff, and a copy was given to the court.

Within the time limitation set forth in the statute, Plaintiff objected to the Recommendation.<sup>1</sup>

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court hereby adopts the Magistrate Judge's Recommendation.

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<sup>1</sup>To the extent that Plaintiff advances a motion to amend, the court notes that the pleading has been stricken and has not been renewed. Moreover, the motion to amend aims at correcting "technical defects," an imprecise reason which does not inform the court or the Defendant of a viable reason to amend. For this additional reason, the motion to amend is subject to being denied.

**IT IS THEREFORE ORDERED** that Defendant's motion to dismiss [Doc. 10] be **GRANTED** based on lack of subject matter jurisdiction. A judgment dismissing this action will be entered contemporaneously with this Order.

*William L. Ostun, Jr.*  
United States District Judge

February 16, 2010