

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

EMMIT L. MCNEILL,)	
)	
Plaintiff,)	
)	
v.)	1:09CV698
)	
PTL. BRANDON SCOTT, JEREMY)	
CLEARY, CORPORAL B. RODGER,)	
SGT. TRACY GRADY,)	
)	
Defendants.)	

ORDER

BEATY, District Judge.

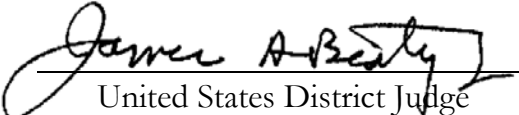
On May 13, 2014, the United States Magistrate Judge's Memorandum Opinion, Order, and Recommendation [Doc. #41] was filed and notice was served on the parties pursuant to 28 U.S.C. § 636(b). In the Recommendation, the Magistrate Judge recommended that Defendant Brandon Scott and Defendant Jeremy Cleary's Motion to Dismiss Official Capacity Claims in Amended Complaint Against Defendants Scott and Cleary [Doc. #33] be granted, and that all official capacity claims against Defendants Cleary and Scott be dismissed. The Magistrate Judge also recommended that Defendants Scott and Cleary's Partial Motion to Dismiss the Official Capacity Claims [Doc. #27] be denied as moot. No objections were filed within the time limits prescribed by § 636.

In the absence of objections, this Court reviews the Recommendation only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Fed. R. Civ. P. 72 advisory committee's note. The Court has appropriately reviewed the

Recommendation. Having done so, the Court finds that no clear error exists and the Recommendation should be adopted. The Magistrate Judge's Recommendation [Doc. #41] is therefore affirmed and adopted for the reasons set forth therein.

IT IS THEREFORE ORDERED that Defendants Scott and Cleary's Motion to Dismiss Official Capacity Claims in Amended Complaint Against Defendants Scott and Cleary [Doc. #33] is GRANTED, and all official capacity claims against Defendants Cleary and Scott are DISMISSED. IT IS FURTHER ORDERED that Defendants Scott and Cleary's Partial Motion to Dismiss the Official Capacity Claims [Doc. #27] is denied as moot.

This, the 27th day of June, 2014.


United States District Judge