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

PERCY ALLEN WILLIAMS, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:10CV501
	)	
LEWIS O. SMITH, et al.,	)	
	)	
Defendants.	)	

ORDER

On July 15, 2010, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 4-6.) Plaintiff filed objections to the Recommendation within the time limit prescribed by Section 636. (Docs. 7, 8.) In both documents Plaintiff filed as "objections," he acknowledged that he followed the Recommendation in this case by instituting a new action. (See Doc. 7 at 2; Doc. 8 at 1-2.) The Court's records confirm that Plaintiff filed a new complaint docketed as case number 1:10CV615.

The Court has reviewed Plaintiff's objections de novo and finds they do not change the substance of the United States Magistrate Judge's Recommendation which is affirmed and adopted.

IT IS THEREFORE ORDERED that this action is dismissed sua sponte without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms.

William L. Osteen, Jr.
United States District Judge

March 28, 2011

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