

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

ROBERT CHARLES MINTZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:11CV586
	)	
CITY OF HIGH POINT, MIKE	)	
SPENCER, RICHARD LAWRENCE,	)	
GREGG NANCE, CHRIS THOMPSON,	)	
and STEVE PENDRY,	)	
	)	
Defendants.	)	

**ORDER**

On December 31, 2012, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 11 and 12.) No objections were filed within the time limits prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS THEREFORE ORDERED** that Defendants' Motion to Dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(5) and 12(b)(6) (Doc. 6) is **GRANTED IN PART AND DENIED IN PART** without prejudice, in that any Title VII claim(s) against the individual Defendants are **DISMISSED**, but Plaintiff is allowed to amend his Complaint to establish subject matter jurisdiction for

any Title VII claim(s) against Defendant City of High Point, as well as to perfect service of process on Defendant City of High Point.

**IT IS FURTHER ORDERED** that this matter be set for a status conference with Magistrate Judge L. Patrick Auld to set further deadlines in this case.

This the 1st day of February, 2013.

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