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

EPCON COMMUNITIES)
CAROLINAS, LLC and)
EPCON FARRINGTON, LLC,)
)
Plaintiffs,)
)
v.)
) 1:11CV643
IRIS M. TILLEY, individually and as)
TRUSTEE pursuant to the Tilley Six Trust)
(dated) September 17, 1993; THOMAS E.)
TILLEY, individually and as TRUSTEE)
pursuant to the B&R Farms Trust dated)
September 19, 1993; MELBA GEORGE,)
individually and as TRUSTEE of the Epcon)
Farm Trust; BARBARA WRIGHT,)
individually and as TRUSTEE of the Epcon)
Farm Trust, and the UNITED STATES)
OF AMERICA,)
)
Defendants.)

ORDER

Plaintiffs filed their Amended Complaint [Doc. # 18] on October 14, 2011.

Defendants Iris M. Tilley and Thomas E. Tilley (the "Tilley Defendants") filed pro se

counterclaims [Doc. # 39, 44] against the Plaintiffs. The Plaintiffs have moved to

dismiss each of these counterclaims [Doc. # 41, # 47].

On January 23, 2012, the Magistrate Judge issued a Recommendation [Doc.

58] that the Plaintiffs' motions to dismiss be granted. The Tilley Defendants

timely objected [Doc. # 62], and the Plaintiffs timely responded [Doc. # 73].

A court is not required to conduct a de novo review where objections to the

recommendation of the Magistrate Judge are general and conclusory. <u>See Orpiano</u> <u>v. Johnson</u>, 687 F.2d 44, 47 (4th Cir.1982) (citing <u>United States v. Merz</u>, 376 U.S. 192 (1964)). In this case, the Tilley Defendants' objections do not even rise to the level of general and conclusory. As with the majority of their filings, a significant portion of the objection is incoherent, and to the extent that it can be understood, it is generally facially frivolous. <u>See, e.g.</u>, Doc. # 62 at 5 (claiming that "<u>All</u> '[Court or Statutory]' <u>Rules Are Invalid</u> - [As they Apply *to the people,* <u>ANY</u> of Them]") (alterations and emphasis in original).

Notwithstanding the Tilley Defendants' failure to object properly, and in consideration of the fact they are proceeding pro se, the Court did perform a de novo review of the Magistrate Judge's Recommendation. Based on this review, the Court finds the Magistrate Judge's Recommendation to be an accurate reflection of the law. The Recommendation [Doc. # 58] is therefore adopted in full. The Plaintiffs' Motions to Dismiss [Doc. # 41, # 47] are therefore GRANTED, and the Tilley Defendants' Counterclaims [Doc. # 39, # 44] are DISMISSED.

This the 28th day of March, 2013.

<u>/s/ N. Carlton Tilley, Jr.</u> Senior United States District Judge