

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

ROBERT EARL BURNEY, JR.,)	
)	
Petitioner,)	
)	
v.)	1:12CV8
)	
MAJOR MCRAINEY, et al.,)	
)	
Respondent.)	

ORDER

On January 5, 2012, the United States Magistrate Judge’s Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docket Entries 11 & 12.) Petitioner filed objections and supplement to the Recommendation within the time limit prescribed by Section 636. (Docket Entries 13 & 14.)

The Court has reviewed Petitioner’s objections de novo and finds they do not change the substance of the United States Magistrate Judge’s Recommendation (Docket Entry 11) which is affirmed and adopted.

IT IS THEREFORE ORDERED that this action is dismissed sua sponte without prejudice to Petitioner filing a new petition after he has exhausted his remedies in the state courts.

This the 1st day of March, 2012.

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