

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

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| DONALD R. SMITH, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | 1:13CV606 |
| |) | |
| MICHAEL DAVIS, |) | |
| |) | |
| Respondent. |) | |

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on May 19, 2015, was served on the parties in this action. (ECF No. 11.) Petitioner filed Objections to the Recommendation. (ECF No. 13.)¹

The Court has reviewed the Magistrate Judge's Recommendation and has made a *de novo* determination in accord with the Magistrate Judge's Recommendation. The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Respondent's Motion for Summary Judgment (ECF No. 6) is GRANTED and the Petition (ECF No. 1) is DENIED. A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no

¹ Petitioner's objections consisted of a single page with a boilerplate statement denouncing the Magistrate Judge's Recommendation without specifically identifying any alleged errors. (See ECF No. 13.) Petitioner's failure to specifically object to the Recommendation waives any review. *Page v. Lee*, 337 F.3d 411, 416 n.3 (4th Cir. 2003). Nevertheless, the Court has reviewed the Recommendation for any errors.

substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This, the 2nd day of July, 2015.

/s/ Loretta C. Biggs
United States District Judge

