BROWN v. JOHNSON et al Doc. 18

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

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ORDER

The Recommendation of the United States Magistrate Judge

("Recommendation") was filed with the Court in accordance with 28 U.S.C.

§ 636(b) and, on August 12, 2014, was served on the parties in this action.

(Docs. # 8, 9.) Plaintiff Michael W. Brown timely objected to the

Recommendation. (Doc. # 10.)

Pursuant to 28 U.S.C. § 636(b)(1), the district court "shall make a de novo determination" of the portions of the Recommendation to which specific objection is made. An objection is specific if it "reasonably . . . alert[s] the district court of the true ground for the objection." <u>United States v. Midgette</u>, 478 F.3d 616, 622 (4th Cir. 2007). On the other hand, the district court need not conduct a de novo review "when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." Orpiano

v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). In this case, because Mr. Brown is pro se, his objections are "to be liberally construed." Erickson v. Pardus, 551 U.S. 89, 94, 127 S. Ct. 2197, 2200 (2007).

Mr. Brown lists thirty-eight phrases from throughout the Recommendation to which he objects. However, he does not state the reasons for his objections to those matters. Nevertheless, the Court has conducted a de novo review of the Recommendation and agrees with the Magistrate Judge. Therefore, the Court adopts the Recommendation.

IT IS HEREBY ORDERED that this action be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and that Plaintiff's Motion for Temporary Restraining Order (Doc. #4) be denied as moot. A judgment dismissing this action will be entered contemporaneously with this Order.

This the 31st day of July, 2015.

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