

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

SERGIO MENDEZ JUAREZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:14CV821
	)	
UNITED STATES OF AMERICA, et al.,	)	
	)	
Defendant(s).	)	

**ORDER**

On October 3, 2014, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff timely filed an objection (Doc. 4) to the Recommendation.

The court has reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination, which is in accord with the Magistrate Judge's Recommendation. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint or habeas petition, on the proper forms, which corrects the defects cited in the Magistrate Judge's Recommendation.

/s/ Thomas D. Schroeder  
United States District Judge

October 31, 2014