

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

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|-------------------------|---|-----------|
| ROBERT GENE BAILEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 1:16CV292 |
| |) | |
| JOSEPH GARDNER, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b), and on April 29, 2016, Notice was served on the parties in this action. (ECF Nos. 2, 3.) Plaintiff Robert Gene Bailey filed Objections (ECF No. 4) within the time limit prescribed by Section 636.

The Court has appropriately reviewed Plaintiff’s objections *de novo* and finds that they do not change the substance of the United States Magistrate Judge’s Recommendation (ECF No. 2), which is hereby affirmed and adopted.

The Court notes: (i) that it appears that the potential defendants in this lawsuit may be located in the Eastern District of North Carolina (“EDNC”); (ii) that the events challenged in the Complaint are all alleged to have occurred in the EDNC; (iii) that it appears that venue would be proper in the EDNC¹; and (iv) that Plaintiff has been enjoined from filing suit in the EDNC against at least some of the Defendants listed in the present Complaint or based on at

¹ If Plaintiff chooses to re-file his Complaint here in this District, he should correct all of the matters noted above and should also include a statement addressing the proper venue in this case.

least some of the allegations in the present Complaint, due to that court's entry of a pre-filing injunction against him. Bailey v. City of Fayetteville, No. 4:13CV156 (E.D.N.C. Aug. 19, 2013) (unpublished). Plaintiff is hereby warned that if he follows such a pattern of filing in this District, this Court will consider entry of a similar injunction.

IT IS THEREFORE ORDERED that this action is DISMISSED *sua sponte* without prejudice to Plaintiff filing a new Complaint, on the proper § 1983 forms, which corrects the defects cited in the Magistrate Judge's Recommendation.

IT IS FURTHER ORDERED that to the extent Plaintiff chooses to file a new Complaint, he is hereby placed on notice and warned that if his new lawsuit follows the pattern of filing in this District Court as outlined above, without consideration for the proper venue for such action, this Court will consider entry of a pre-filing injunction similar to the one issued in the EDNC.

This, the 26th day of July, 2016.

 /s/ Loretta C. Biggs
United States District Judge