

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

CHARLES ALONZO TUNSTALL,)	
)	
Plaintiff,)	
)	
v.)	1:16CV1434
)	
FRANK L. PERRY, et al.,)	
)	
Defendants.)	

ORDER

On June 12, 2017, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff filed objections (ECF No. 7) within the time limit prescribed by Section 636. The Court has 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.3), which is hereby affirmed and adopted.

In his objections, Plaintiff contends that the Complaint should be construed as a Motion to Amend in his prior case (Case No. 1:15CV226). However, Plaintiff failed to file a Motion to Amend in that case, and his Complaint seeks to add new and unrelated claims. Therefore, to the extent Plaintiff intended the Complaint as a Motion to Amend in 1:15CV226, that request is denied without prejudice to Plaintiff filing a proper Motion to Amend in 1:15CV226 for further consideration in that case.

IT IS THEREFORE ORDERED that this action is DISMISSED without prejudice to Plaintiff filing a new complaint, on the proper forms and in the proper district, which

corrects the defects cited in the Recommendation, or filing a proper Motion to Amend in Case 1:15CV226.

This, the 25th day of July, 2017.

/s/ Loretta C. Biggs
United States District Judge