

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

ROBERT LEE HOOD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:17CV308
	)	
JACK CLELLAND,	)	
	)	
Defendant.	)	

**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 April 7, 2017, was served on the parties in this action. Plaintiff filed Objections to the Magistrate Judge's Recommendation. [Docs. # 6, 7].

The Court has appropriately reviewed the portions of the Magistrate Judge's Recommendation to which objection is made and has made a de novo determination in accord with the Magistrate Judge's report. The Court therefore adopts the Magistrate Judge's Recommendation.<sup>1</sup>

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<sup>1</sup> Plaintiff included with his Objections a properly executed affidavit to proceed *in forma pauperis* [Doc. # 6 at 6-8], but that affidavit corrects only one of the defects noted in the Magistrate Judge's Recommendation (see Doc. # 4 at 1 (explaining that this action should be dismissed because "[t]he Complaint is not on forms prescribed for use by this Court, nor is the information requested by such forms and necessary to process the Complaint pursuant to 28 U.S.C. § 1915A contained in Plaintiff's submission," and that "[p]ursuant to the Prison Litigation Reform Act, Plaintiff may no longer proceed *in forma pauperis* in this Court unless he is under imminent danger of serious physical injury")).

**IT IS THEREFORE ORDERED** that this action is filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects noted in the Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 2<sup>nd</sup> day of June, 2017.

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