

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

ANDRE AMON THOMPSON,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:17CV587
	)	
JOSH STEIN,	)	
	)	
Respondent.	)	

ORDER

On September 21, 2017, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. No objections were filed within the time limit prescribed by Section 636. Therefore, the Court need not make a *de novo* review, and the United States Magistrate Judge's Recommendation [Doc. #2], is hereby affirmed and adopted.<sup>1</sup>

IT IS THEREFORE ORDERED that this action be filed and DISMISSED *sua sponte* without prejudice to Petitioner filing a new action which corrects

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<sup>1</sup>The Court notes that the envelope containing the Recommendation was sent to Petitioner at the address he provided at the Maury Correctional Institution [Doc. # 1-1] but was returned to the Court by the Postal Service with a notation of "return to sender," "no longer here," and "Rel[eased]." [Doc. # 4]. Petitioner failed to provide any updated address or contact information as required by Local Rule 11.1(b). Therefore, no further mailing could be made. In the circumstances, the Complaint is also subject to dismissal for failure to prosecute. See L.R. 11.1(b).

the defects of the current Petition, and that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED.

This the 4<sup>th</sup> day of December, 2017.

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