

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

TERRY F. GARNER,)	
)	
Plaintiff,)	
)	
v.)	1:17CV623
)	
HOKE CORRECTIONAL)	
INSTITUTION,)	
)	
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 July 13, 2017, was served on the parties in this action. [Docs. # 2, 3.] No objections were filed within the time limits prescribed by § 636.¹

Therefore, the Court need not make a *de novo* review, and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that this action is filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper

¹ Within this period, Plaintiff submitted a filing that did not object to the Recommendation, but instead requested an "extintion [sic] of time to file IFP and Complaint." (Doc. # 4 at 1 (all-cap font and asterisks omitted).) Because no court-imposed deadline for filing such documents exists, Plaintiff's extension request qualifies as moot.

§ 1983 forms, which corrects the defects cited in the Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 4th day of August, 2017.

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