

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

JOSHUA BOLEN,)
)
 Petitioner,)
)
 v.) 1:17CV1088
)
 UNITED STATES DISTRICT COURT,)
)
 Respondent.)

ORDER

On January 4, 2018, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. Petitioner filed objections, (ECF No. 4), to the Recommendation within the time limit prescribed by Section 636. The Court has reviewed Petitioner's objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation, (ECF No. 2), which is affirmed and adopted. Although Petitioner has submitted an Application to Proceed In Forma Pauperis, he has not addressed the remaining issues noted in the Recommendation.

IT IS THEREFORE ORDERED that Petitioner's Motion for Custody Release (ECF No. 1), construed as a habeas petition under 28 U.S.C. § 2254, is DENIED and this case is DISMISSED *sua sponte* without prejudice to Petitioner filing a new petition which corrects the defects of the current Petition as set out in the Recommendation. The new petition must be on the proper forms and accompanied by either the five dollar filing fee or a current application to proceed *in forma pauperis*.

This, the 15th day of March, 2018.

/s/ Loretta C. Biggs
United States District Judge