

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

JORGE GALEAS-MENCHU, JR.,)
)
)
Plaintiff,)
)
)
v.) 1:18CV122
)
)
AARON ALLEN DAVID, et al.,)
)
)
Defendant(s).)

ORDER

This matter is before this court for review of the Order and Recommendation ("Recommendation") filed on March 2, 2018, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b).

(Doc. 2.) In the Recommendation, the Magistrate Judge recommends that this action be dismissed without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects in the Recommendation. The Recommendation was served on the parties to this action on March 2, 2018.

(Doc. 3.) Petitioner filed timely objections (Doc. 4) to the Recommendation.

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b) (1). This court "may accept, reject, or modify,

in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation (Doc. 2) is **ADOPTED**. **IT IS FURTHER ORDERED** that Plaintiff's paperwork (Doc. 1) is construed as a civil rights action pursuant to 42 U.S.C. § 1983, and that this action is hereby dismissed without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, correcting the defects set out in the Order and Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 16th day of April, 2018.



United States District Judge