

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

ORDER

This matter is before this court for review of the Order and Recommendation filed on September 2, 2022, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 3.) In the Recommendation, the Magistrate Judge recommends that this action be dismissed pursuant to 28 U.S.C. § 1915A for failing to state a claim upon which relief may be granted. The Recommendation was served on the parties to this action on September 2, 2022, (Doc. 4). Plaintiff filed objections, (Doc. 5), 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 objections were 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. 3), is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's Complaint, (Doc. 2), be, and the same is hereby, **DISMISSED** pursuant to 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 17th day of November, 2022.

William L. Osten, Jr.
United States District Judge