

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

JERRY W. JOHNSON,)
)
 Plaintiff,)
)
 v.) 1:23-cv-1090
)
 SERGEANT WHITSETT,)
)
 Defendant.)

ORDER

On December 20, 2023, the United States Magistrate Judge's Order and Recommendation ("Recommendation") was filed, and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 3, 4.) No objections were filed within the time prescribed by Section 636.

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

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 3), is **ADOPTED. IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the Recommendation.

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

This the 26th day of March, 2024.

William L. Oster, Jr.
United States District Judge