

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

MONTREAL BANNER, )  
 )  
 Plaintiff, )  
 )  
 v. ) 1:24-cv-384  
 )  
 C/O ROWDY, C/O GOMEZ, )  
 MAC MILLAN, KATY POOLE, )  
 and DEAN LOCKLEAR, )  
 )  
 Defendant. )

**ORDER**

On May 16, 2024, 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** pursuant to 28 U.S.C. § 1915A for failing to state a claim upon which relief may be granted as to Defendants Millan, Gomez, Poole, and Locklear but proceed as to the claim against Defendant Rowdy.

This the 8th day of July, 2024.

*William L. Osteen, Jr.*  
United States District Judge