

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
1:09cv101-RJC-DLH**

NASEEM AHMED, et al., )

Plaintiffs, )

v. )

ANTHONY PORTER, et al., )

Defendants. )

**ORDER**

**THIS MATTER** is before the Court on the Magistrate Judge’s Fourth Memorandum and Recommendation (“M&R”) (Doc. No. 221). The parties were advised that objections were to be filed in writing within fourteen (14) days after service of the Magistrate Judge’s decision. (Doc. No. 221 at 11). The time for filing objections has since passed, and no objections have been filed by any party in this matter. For the reasons stated below, the Court will affirm the M&R in its entirety.

**I. STANDARD OF REVIEW**

The Federal Magistrate Act provides that a district court “shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C); Camby v. Davis, 718 F.2d 198, 198 (4th Cir. 1983). “By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

**II. CONCLUSION**

Accordingly, after a careful review of the record in this case, the Court finds that the

Magistrate Judge's findings of fact are supported by the record and his conclusions of law are consistent with and supported by current case law. Thus, the Court hereby accepts the M&R of the Magistrate Judge and adopts it as the final decision of this Court for all purposes relating to this case.

**IT IS, THEREFORE, ORDERED** that:

1. defendant Secor Group, LLC's Motion to Dismiss Pursuant to Rule 41(b) or, in the Alternative, to Compel Plaintiffs to File Notice and Enlarge Secor's Time to Respond to Second Amended Complaint (#155) is **DENIED** without prejudice as **MOOT**;
2. defendant Secor Group, LLC's Motion to Dismiss Second Amended Complaint, or for More Definite Statement (#175) is **DENIED** without prejudice as **MOOT**;
3. plaintiffs Naseem Ahmed's, Tahmeena Ahmed's, Kevin Bonner's, Shannon Bonner's, Mario Carcamo's, Owen McCarthy's, and Doroithia McCarthy's Motion for Voluntary Dismissal Pursuant to Rule 41(a)(2) (without prejudice) (#187) is **GRANTED** without prejudice as to Naseem Ahmed, Tahmeena Ahmed, Kevin Bonner, Shannon Bonner, and Mario Carcamo, and **DENIED** without prejudice as to Owen McCarthy and Doroithia McCarthy;
4. plaintiffs' Motion for Voluntary Dismissal of the Claims Against Defendant John Perry Pursuant to Rule 41(a)(2) (without prejudice) (#200) is **ALLOWED**, and defendant John Perry is **DISMISSED** from this action without prejudice;
5. plaintiffs' Motion for Voluntary Dismissal of the Claims Against Defendant P. G. Capital Holdings, L.L.C., Pursuant to Rule 41(a)(2) (without prejudice) (#203) is **ALLOWED**, and defendant P. G. Capital Holdings, L.L.C., is **DISMISSED** from this action without prejudice;
6. defendant United Community Bank's Motion to Confirm Arbitration Awards Against

Plaintiffs Marjorie J. Biller, Doroithia E. McCarthy, Owen M. McCarthy, and Jeffrey B. McNeal and for Entry of Judgment Thereon (#204), is **ALLOWED** and **JUDGMENTS** shall be entered **CONFIRMING** such awards in arbitration. The Court further **DISMISSES WITHOUT PREJUDICE** any remaining claims of plaintiffs Marjorie J. Biller, Doroithia E. McCarthy, Owen M. McCarthy, and Jeffrey B. McNeal; and

7. plaintiffs Miriam Benard's and Michael Crandus's Motion for Voluntary Dismissal Pursuant to Rule 41(a)(2) (#217) is **ALLOWED**, and these two plaintiffs and their claims are **DISMISSED** without prejudice.

**SO ORDERED.**

Signed: January 7, 2010



Robert J. Conrad, Jr.  
Chief United States District Judge

