

**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 Fifth Memorandum and Recommendation (“M&R”) (Doc. No. 231). 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); Camby v. Davis, 718 F.2d 198, 200 (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). Similarly, de novo review is not required by the statute “when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.” Id. Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby, 718 F.2d at 200. Nonetheless,

a district judge is responsible for the final determination and outcome of the case, and accordingly the Court has conducted a careful review of the Magistrate Judge's M&R.

II. CONCLUSION

After a de novo review¹ 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. plaintiff Michael Colbert's Motion for Voluntary Dismissal Pursuant to Rule 41(a)(2) (Doc. No. 223); and
2. plaintiffs Jonathan Lilly, William G. Melton, Jr., Marian Melton, Randall Corbin, and Patricia Corbin's Motion for Voluntary Dismissal Pursuant to Rule 41(a)(2) (Doc. No. 229)

are **ALLOWED**, and such plaintiffs and their claims are **DISMISSED** without prejudice.

SO ORDERED.

Signed: February 23, 2010



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



¹ The Court, based on the absence of a response to the respective plaintiffs' motions for voluntary dismissal, does not expect any defendant will object to the M&R. Nonetheless, the Court has conducted de novo review of the recommendation on the chance that a defendant should object prior to the March 8, 2010 deadline.

