

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-89-RJC-DCK**

SHARON M. BROOKS,)
)
 Plaintiff,)
)
 v.)
)
 GASTON COUNTY BOARD OF)
 EDUCATION,)
)
 Defendant.)

ORDER

THIS MATTER comes before the Court on Defendant Gaston County Board of Education’s (“Defendant”) Motion to Dismiss, (Doc. No. 6), and Motion to Strike, (Doc. No. 13), and the Magistrate Judge’s Memorandum and Recommendations (“M&R”), (Doc. No. 22), recommending that the Court deny Defendant’s motion as moot.

Plaintiff Sharon Brooks (“Plaintiff”) filed a Second Amended Complaint on April 10, 2012, (Doc. No. 10), and a motion for leave to file that complaint on May 11, 2012, (Doc. No. 18). The Magistrate Judge granted Plaintiff’s motion to amend and recommended that Defendant’s motions attacking Plaintiff’s previous complaint be dismissed as moot. (Doc. No. 22).

The district court may assign dispositive pretrial matters pending before the court to a magistrate judge for “proposed findings of fact and recommendations.” 28 U.S.C. § 636(b)(1)(B). 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.” *Id.* at § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). “[I]n 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 & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting FED. R. CIV. P. 72 advisory committee’s note). Where a party fails to object to the Magistrate Judge’s M&R, the district court may accept, reject, or modify the M&R without explanation. Camby, 718 F.2d at 199.

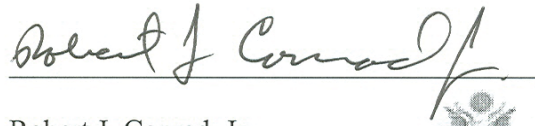
Defendant did not object to the Magistrate Judge’s recommendations. This Court finds no error and agrees with the Magistrate Judge “that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot.” (Doc. No. 22 at 4).

Defendant shall answer Plaintiff’s Second Amended Complaint, (Doc. No. 10), within fourteen (14) days of the date of this Order.

IT IS, THEREFORE, ORDERED that:

1. The Magistrate Judge’s M&R, (Doc. No. 22), is **ADOPTED**;
2. Defendant’s Motion to Dismiss, (Doc. No. 6), is **DISMISSED as moot**;
3. Defendant’s Motion to Strike, (Doc. No. 13), is **DISMISSED as moot**; and
4. Defendant shall answer Plaintiff’s Second Amended Complaint, (Doc. No. 10), within fourteen (14) days of the date of this Order.

Signed: August 21, 2012

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

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

