



Blackwell v. McFadden et al

2023 | Cited 0 times | W.D. North Carolina | July 24, 2023

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA

CHARLOTTE DIVISION 3:22-cv-00167-RJC-DCK ADRIANNA ESTHER BLACKWELL,

Plaintiff,

v. GARRY L. MCFADDEN et al.,

Defendants.

Order

THIS MATTER is before the Court on the 58). The parties have not filed objections to the M&R, and the time for doing so has expired.

Fed. R. Civ. P. 72(b)(2). I. BACKGROUND

Neither party has objected to the Magistrate Judge's statement of the factual and procedural background of this case. Therefore, the Court adopts the facts as set forth in the M&R. II. STANDARD OF REVIEW

A district court may assign dispositive pretrial matters, including motions to dismiss, to a § shall make a de

novo determination of those portions of the report or specified proposed findings or Id. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). and no factual issues are challenged, Orpiano v. Johnson, 687 F.2d 44, 47 (4th and conclusory objections that do not direct the court to a specific error in the magistrate proposed findings and Id. the face of the

Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72, advisory committee note). III. DISCUSSION

Under Rule 72(b) of the Federal Rules of Civil Procedure, a district court judge shall make a de novo determination of any portion of an M&R to which specific written objection has conclusions of the



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Magistrate Judge. See *Thomas v. Arn*, 474 U.S. 140, 149 50 (1985). No

objection to the M&R having been filed, and the time for doing so having passed, the parties have waived their right to de novo review of any issue covered in the M&R. Nevertheless, the Court has conducted a full review of the M&R and other documents of record and, having done so, finds that the M&R is in accordance with the law, contains no clear error, and should be approved. IV.

CONCLUSION

IT IS, THEREFORE, ORDERED that: 1. The M&R (Doc. No. 58) is ADOPTED; and 2. The Motions to Dismiss at Doc. Nos. 30 and 50 are GRANTED; 3. The Motion to Dismiss at Doc. No. 27 is GRANTED in part and DENIED in

part as described in the M&R.

Signed: July 24, 2023

