



Dunn Jr. v. Lee

2023 | Cited 0 times | E.D. North Carolina | July 5, 2023

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("M&R"); U.S.C; 1915(e)(2)(B). have

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_were IN THE UNITED STATES DISTRICT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

WESTERN DIVISION Case No. 5:22-CV-00531-M ROSE MARIE EDWARDS BAKER R DUNN JR.,
Plaintiff, v. FRANK LEE,
Defendant.

ORDER

Before the court is Magistrate Judge Robert B. Jones, Jr. 's Order and Memorandum and Recommendation. DE 6. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Jones entered a memorandum and recommendation

recommending that the court dismiss Plaintiffs Complaint as frivolous under 28 § Id. To date, no objections been filed. 1

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the ... recommendation[] ... receive further evidence or recommit the to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1). The court "shall make a de novo determination of portions of the report or specified proposed findings or recommendations objection is made." Id. Absent a specific and timely objection, the court reviews only for "clear error" and need not give any explanation for adopting



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1 Judge Jones issued the M&R on March 6, 2023. Objections due to be filed on or before March 20, 2023. See DE 6. After an order extending Plaintiffs time to file objections to the M&R [DE 11], the parties' motions and M&R were submitted to this court for disposition on June 28, 2023.

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r;;LJ[MvAY, T the recommendation. Diamond v. Colonial Life & Accident Ins. Co., 416 F .3d 310, 315 (4th Cir. 2005).

Upon careful review of and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiffs Complaint is DISMISSED. The Clerk of Court is directed to this case.

SO ORDERED this day of July, 2023.

RICHARD E. MYERS II CHIEF UNITED STATES DISTRICT JUDGE