

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SHELBY ROBERTS, )  
 )  
 Plaintiff, )  
 )  
 v. ) 1:22-cv-1114  
 )  
 CARTER-YOUNG, INC., )  
 )  
 Defendant. )

**ORDER**

This matter is before this court for review of the Memorandum Opinion and Recommendation (“Recommendation”) filed on July 6, 2023, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 7.) The Recommendation was served on the parties on July 6, 2023. (Doc. 8.) In the Recommendation, the Magistrate Judge recommends that the Complaint be dismissed. (Id.) Plaintiff filed an Objection to the Recommendation, (Doc. 9), and Defendant filed a Response, (Doc. 10).

This court is required to “make a de novo determination of those portions of the [Magistrate Judge’s] report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge . . . . or recommit the matter to the [M]agistrate [J]udge with instructions.” Id.

This court has appropriately reviewed the Recommendation, as well as Plaintiff's Objection and Defendant's Response, and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. The Court therefore adopts the Recommendation.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 7), is **ADOPTED. IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6), (Doc. 3), is **GRANTED**, and this action is **DISMISSED**.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 10th day of August, 2023.

  
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United States District Judge