

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

Daniel Michael Rorie v. Officer Roseboro, et al.

Rorie · No. 1:26-CV-381-DAB-JGM · Decided June 10, 2026

SUMMARY

The United States District Court for the Middle District of North Carolina adopts a magistrate judge’s recommendation and dismisses Daniel Michael Rorie’s § 1983 action without prejudice. The court finds no clear error in the recommendation, which identified deficiencies in the official-capacity claims, defendant identification, entity liability, and allegations concerning criminal charges and bond determinations.

CASE DETAILS

COURT	United States District Court for the Middle District of North Carolina
WRITING FOR THE COURT	David A. Bragdon
JURISDICTION	United States District Court for the Middle District of North Carolina
DECIDED	June 10, 2026
DOCKET	1:26-CV-381-DAB-JGM
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's order and recommendation to dismiss the pro se plaintiff's § 1983 action without prejudice. No party filed objections.
STANDARD OF REVIEW	When no objections are filed to a magistrate judge's recommendation, the district court must satisfy itself that there is no clear error on the face of the record before accepting the recommendation.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation.

TOPICS

- section 1983
- civil procedure
- pleadings
- service of process

PRACTICE AREAS

- civil rights litigation
- prisoner civil rights
- federal civil procedure

QUESTIONS PRESENTED

1. What standard of review applies when no party objects to a magistrate judge's order and recommendation?
2. Whether the magistrate judge's recommendation to dismiss the § 1983 action without prejudice contained clear error.
3. Whether the action should be dismissed without prejudice because the complaint failed to adequately identify proper defendants and plead a viable constitutional claim under § 1983.

HOLDINGS

1. When no objections are filed, the district court need only determine whether there is clear error on the face of the record before accepting the magistrate judge's recommendation.
2. The action was properly dismissed without prejudice because the complaint failed to state adequately supported claims against proper defendants and raised claims that were unclear or more appropriately pursued in state court or through habeas proceedings.

KEY QUOTATIONS

“Because there are no objections, the Court “must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’””

FACTUAL BACKGROUND

Plaintiff brought an action under 42 U.S.C. § 1983 against Officer Roseboro and other defendants. The complaint asserted official-capacity claims without alleging a qualifying policy, custom, or practice; named entities that were not proper § 1983 defendants or lacked alleged bases for liability; referred to individuals without clearly naming them as defendants; and raised unclear allegations concerning service of criminal charges and resulting bond determinations.

PROCEDURAL HISTORY

A magistrate judge recommended dismissal without prejudice because the complaint failed to adequately plead official-capacity liability, named improper or insufficiently supported defendants, did not clearly identify certain individuals as defendants, and asserted unclear claims concerning criminal charges and bond determinations that appeared more appropriate for state court or habeas proceedings. The objection deadline passed without objections. The district court reviewed the recommendation for clear error, adopted it, and ordered dismissal without prejudice; a contemporaneous judgment was to be entered.

DISPOSITION

dismissed

CASES CITED

- *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005)

OPINION

RORIE

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DANIEL MICHAEL RORIE,

Plaintiff,

v. 1:26-CV-381-DAB-JGM

OFFICER ROSEBORO, ET AL.,

Defendants.

ORDER

This matter is before the Court for review of the Order and Recommendation filed on May 13, 2026. 5/13/26 Order and Recommendation of United States Magistrate Judge (D.E. 3). The Magistrate Judge recommends dismissing Plaintiff's action without prejudice because: (1) Plaintiff asserts official-capacity claims without alleging facts showing that the alleged constitutional violations resulted from a policy, custom, or practice attributable to the proper governmental policymaker; (2) Plaintiff names entities that are not proper defendants under 42 U.S.C. § 1983 or fails to allege facts establishing their liability; (3) Plaintiff references individuals involved in the alleged events but does not clearly identify them as defendants; and (4) Plaintiff's allegations concerning the service of criminal charges and resulting bond determinations are unclear, not tied to any defendant, and appear to challenge matters more appropriately raised in state court or through a habeas proceeding rather than a § 1983 action. The deadline for filing objections passed on June 1, 2026, and no parties have filed objections to the Recommendation. Because there are no objections, the Court "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. Proc. 72 advisory committee's note). This Court has accordingly reviewed the Recommendation and concludes it contains no clear error. Accordingly, it is ordered that the Magistrate Judge's Recommendation, 5/13/26 Order and Recommendation, is adopted and this action is dismissed without prejudice. A Judgment dismissing this action will be entered contemporaneously with this Order. This the 10th day of June, 2026. /s/ David A. Bragdon United States District Judge