

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

Alexander v. Jimenez and Hill-Kearse

No. 1:26-cv-89 (M.D.N.C. May 18, 2026) · No. 1:26-cv-89 · Decided May 18, 2026

SUMMARY

The United States District Court for the Middle District of North Carolina adopts a magistrate judge's recommendation to dismiss Joseph Alexander's action for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii). The court dismisses the case without prejudice because the plaintiff's address was insufficient for service and he filed no objections to the recommendation.

OPINION

ALEXANDER

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOSEPH ALEXANDER,)

) Plaintiff,)) v.) 1:26-cv-89)

SERGIO JIMENEZ and DAWN HILL-)

KEARSE,)

) Defendants.

ORDER

This matter is before the Court on the United States Magistrate Judge's Order and Recommendation ("Recommendation") to dismiss the case under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted. The United States Magistrate Judge filed the Recommendation on March 25, 2026, Dkt. 3. The Clerk's office attempted to serve notice on the Plaintiff at the address on file, Dkt. 4; Minute Entry 3/25/2026, but the Postal Service returned the envelope containing the Recommendation, marked "return to sender," "insufficient address," and "unable to forward." Dkt.

5. Plaintiff has not provided an updated address to the Clerk, as is his obligation if he wishes to pursue his case. See L.R. 11.1(b). Moreover, no objections were filed within the requisite time limits. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). Therefore, the Court need not make a de novo determination, see 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3), and "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 to 1983 amendment). After due

consideration, the Magistrate Judge's Recommendation is hereby adopted in full. IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Dkt. 3), is ADOPTED. IT IS FURTHER ORDERED that this case is DISMISSED WITHOUT PREJUDICE under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted. A Judgment dismissing this action will be entered contemporaneously with this Order. This the 18th day of May, 2026.

LINDSEY A. FREEMAN

UNITED STATES DISTRICT JUDGE