

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

Derrick Nashion Reid v. State of North Carolina et al.

No. 1:26-CV-302-DAB-LPA, United States District Court for the Middle District of North Carolina (May 5,
2026)

SUMMARY

The United States District Court for the Middle District of North Carolina adopts a magistrate judge's recommendation and dismisses Derrick Nashion Reid's action without prejudice. The dismissal is based on the petitioner's failure to pay the filing fee or submit a signed in forma pauperis application and failure to use the proper § 2254 form.

OPINION

Derrick Nashion Reid v. State of North Carolina et al.

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DERRICK NASHION REID,

Petitioner,

v. 1:26-CV-302-DAB-LPA

STATE OF NORTH CAROLINA et
al., Respondents.

ORDER

This matter is before the Court for review of the Order and Recommendation filed on April 6, 2026. 4/6/26 Order and Recommendation of United States Magistrate Judge (D.E. 2). The Magistrate Judge recommends dismissing Petitioner's action sua sponte without prejudice to the Petitioner filing a corrected action on the proper § 2254 forms, which corrects the two defects the Magistrate Judge identified:

- (1) The filing fee was not received, nor was an affidavit to proceed in forma pauperis submitted and signed by Petitioner.
- (2) The Motion is not on the proper § 2254 form.

Id. The deadline for objections passed on April 23, 2026, and no parties have objected 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, 4/6/26 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 5th day of May, 2026. /s/ David A. Bragdon United States District Judge

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