

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

Welch v. Sgt. Owens, et al.

Welch · No. 1:26-CV-383-DAB-JGM · Decided May 29, 2026

OPINION

WELCH

PER CURIAM.

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

ROBERT ANDREW WELCH,

Plaintiff,

v. 1:26-CV-383-DAB-JGM

SGT. OWENS, ET AL.,

Defendants.

ORDER

This matter is before the Court for review of the Order and Recommendation filed on May 5, 2026. 5/5/26 Order and Recommendation of United States Magistrate Judge (D.E. 3). The Magistrate Judge recommends dismissing Plaintiff’s action without prejudice because: (1) Plaintiff fails to identify proper defendants or sufficiently allege each defendant’s personal involvement in the alleged constitutional violations; and (2) Plaintiff seeks only monetary damages against state officials sued in their official capacities, relief that is unavailable under the Eleventh Amendment. *McBurney v. Cuccinelli*, 616 F.3d 393, 399 (4th Cir. 2010). The deadline for filing objections passed on May 22, 2026, and no parties has 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, 5/5/26 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 29th day of May, 2026. /s/ David A. Bragdon United States District Judge