

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

Richard Pridgen v. State of North Carolina

Pridgen · No. 1:25-cv-630 · Decided March 26, 2026

OPINION

PRIDGEN

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
RICHARD PRIDGEN,)

) Petitioner,)) v.) 1:25-cv-630)

STATE OF NORTH CAROLINA,)

) Respondent.)

ORDER

The matter is before this court for review of the Recommendation and Order (“Recommendation”) filed on October 21, 2025, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 3.) In the Recommendation, the Magistrate Judge recommends that because of this pleading failure, as cited in the recommendation, the Petition should be dismissed. The Recommendation was served on the parties in this action on October 21, 2025. (Doc. 4.) Petitioner timely filed objections, (Doc. 6), to the Recommendation. 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. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions.” *Id.* This court has appropriately reviewed the portions of the Recommendation to which the objections¹ were made and has made a de novo determination which is in accord with the Magistrate Judge’s Recommendation. This court therefore adopts the Recommendation. IT IS THEREFORE ORDERED that the Magistrate Judge’s Recommendation, (Doc. 3), is ADOPTED. IT IS FURTHER ORDERED that the Petition, (Doc. 2), is DISMISSED for failure to apply to the United States Court of Appeals for the Fourth Circuit for an order authorizing this district court to consider the current Petition as is required by 28 U.S.C. § 2244. The court further finds there is no substantial showing of the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, therefore a certificate of appealability is not issued. ¹ In his objections, Petitioner asks the court to treat his complaint as a civil case under § 1983, but any such claims would be barred by *Heck v Humphrey*, 512 U.S. 477 (1994). Plaintiff may not raise § 1983 claims

that would necessarily undermine his convictions without first showing that such convictions were reversed on direct appeal, expunged by Executive Order, declared invalid by a state tribunal, or, finally, called into question by a federal court through the issuance of a writ of habeas corpus. A Judgment dismissing this action will be filed contemporaneously with this Order. This the 26th day of March, 2026. Yo. (lh United States District - 3 -