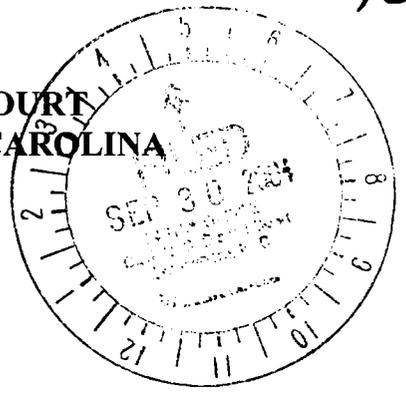


D/klm

30. SEP 30 2004

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

BY: *klm*



E. LOWELL MASON,)
)
 Plaintiff,)
)
 v.)
)
 SUSAN L. SOWELL, J. CRAIG)
 WHITLEY, GERALDINE T.)
 CROCKETT, and GRAHAM C.)
 MULLEN,)
)
 Defendants.)

1:03CV01012

J-U-D-G-M-E-N-T

On July 14, 2004, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636(b). No objections were received by the court within the time prescribed by the statute.

The court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's request for entry of default [Pleading No. 24] be **DENIED**, that Defendant Sowell's motion to dismiss

[Pleading No. 14] be **GRANTED**, and that this action be, and is hereby, dismissed with prejudice.


United States District Judge

September **30** , 2004