

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 19-2011

CALVIN EARL BROWN,

Plaintiff - Appellant,

v.

JENNIFER KNOX, Clerk of Superior Court of Wake County,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at
New Bern. Louise W. Flanagan, District Judge. (4:19-cv-00108-FL)

Submitted: December 17, 2019

Decided: December 19, 2019

Before KING, FLOYD, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Calvin Earl Brown, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Calvin Earl Brown appeals the district court's orders accepting the recommendation of the magistrate judge and denying relief on his 42 U.S.C. § 1983 (2012) complaint and denying his motion to reconsider. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Brown v. Knox*, No. 4:19-cv-00108-FL (E.D.N.C. Aug. 26, 2019 & Sept. 11, 2019). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

NO. 4:19-CV-108-FL

CALVIN EARL BROWN,

Plaintiff,

v.

JENNIFER KNOX, Clerk of Superior Court
of Wake Count,

Defendant.

ORDER

This matter comes before the court on frivolity review of plaintiff's pro se complaint, pursuant to 28 U.S.C. § 1915(e)(2)(B). Pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Robert B. Jones, Jr., entered a memorandum and recommendation ("M&R"), wherein it is recommended that the court dismiss plaintiff's complaint (DE 6). Plaintiff filed objections to the M&R (DE 8). In this case, the magistrate judge correctly determined that plaintiff's complaint must be dismissed due to defendant's derivative absolute judicial immunity. See McCray v. Maryland, 456 F.2d 1, 4 (4th Cir. 1972). Upon de novo review of the M&R and plaintiff's objections, the court ADOPTS analysis of the magistrate judge, which thoroughly and cogently addresses the issues raised by plaintiff in his objections. Accordingly, plaintiff's complaint is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B). The clerk of court is directed to close the case.

SO ORDERED, this the 26th day of August, 2019.


LOUISE W. FLANAGAN
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

NO. 4:19-CV-108-FL

CALVIN EARL BROWN,

Plaintiff,

v.


JENNIFER KNOX, Clerk of Superior Court
of Wake County,

Defendant.

ORDER

This matter comes before the court on plaintiff's motion for reconsideration (DE 11) of the court's order adopting the report and recommendations of United States Magistrate Judge. Where the court already has considered and rejected the arguments raised, and where plaintiff's motion does not demonstrate a basis for reconsideration, the instant motion is DENIED. Moreover, where the court already considered and rejected the same arguments raised in prior case, Brown v. Superior Court of Wake County, Court Admin., 4:18-CV-199-FL (E.D.N.C. April 25, 2019), aff'd No. 19-1500, 2019 WL 3239670 (4th Cir. July 18, 2019), including in four separate motions for reconsideration filed therein, the court will not entertain any further such motions for reconsideration, and any such motions summarily may be denied. Furthermore, the court CAUTIONS plaintiff that any motions for leave to proceed in forma pauperis presenting claims on the same basis as the instant lawsuit and plaintiff's prior lawsuit may be dismissed summarily as repetitive and vexatious, under 28 U.S.C. § 1915(e)(2)(B).

SO ORDERED, this the 11th day of September, 2019.


LOUISE W. FLANAGAN
United States District Judge

FILED: January 30, 2020

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2011
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CALVIN EARL BROWN

Plaintiff - Appellant

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JENNIFER KNOX, Clerk of Superior Court of Wake County

Defendant - Appellee

M A N D A T E

The judgment of this court, entered December 19, 2019, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

/s/Patricia S. Connor, Clerk

FILED: January 22, 2020

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2011
(4:19-cv-00108-FL)

CALVIN EARL BROWN

Plaintiff - Appellant

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JENNIFER KNOX, Clerk of Superior Court of Wake County

Defendant - Appellee

O R D E R

The petition for rehearing en banc was circulated to the full court. No judge requested a poll under Fed. R. App. P. 35. The court denies the petition for rehearing en banc.

For the Court

/s/ Patricia S. Connor, Clerk