

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

FAYEGH JADALI, M.D., Ph.D.,)	
)	
Plaintiff,)	
)	
v.)	1:04CV 214
)	
ALAMANCE REGIONAL MEDICAL CENTER,)	
)	
Defendant.)	

ORDER AND JUDGMENT

On July 21, 2005, the United States Magistrate Judge's Order and Recommendation [Document #50] was filed and notice was served on the parties pursuant to 28 U.S.C. § 636(b). Plaintiff Fayegh Jadali, M.D., Ph.D. ("Plaintiff"), who is pro se, filed timely Objections. The Court has now reviewed the Objections and the portions of the Recommendation to which objection was made, and has made a de novo determination in accord with the substance of the United States Magistrate Judge's rulings. The Magistrate Judge's Recommendation [Document #50] is therefore affirmed and adopted.

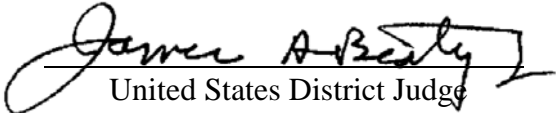
Plaintiff has also filed Objections to the United States Magistrate Judge's Order [Document #21] dated December 16, 2004 denying as futile Plaintiff's Motion for Leave to Amend the Complaint. The Court has reviewed Plaintiff's Objections and the portions of the Order to which objection was made, and has made a de novo determination in accord with the substance of the United States Magistrate Judge's rulings. The Magistrate Judge's Order [Document #21] is therefore also affirmed and adopted.

In so concluding, the Court is compelled to note that Plaintiff appears from the record to be a well-qualified physician, and the Court's ruling should not be construed as approving or expressing any opinion with regard to Defendant Alamance Regional Medical Center's use of

exclusive provider agreements in this instance for the provision of medical services at its facility. However, for the reasons discussed in the Magistrate Judge's July 21, 2005 Order and Recommendation [Document #50], Plaintiff in this case has failed to present sufficient admissible evidence to raise any genuine issue of material fact in support of any of the claims asserted in his Complaint. Further, with respect to Plaintiff's Motion to Amend the Complaint, for the reasons discussed in the Magistrate Judge's December 16, 2004 Order [Document #21], Plaintiff has failed to include in his proposed Amended Complaint sufficient allegations to state a claim upon which relief may be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant Alamance Regional Medical Center's Motion for Summary Judgment [Document #34] is GRANTED, and Plaintiff Fayegh Jadali's Motion to Amend [Document #16] is DENIED. Having so concluded, the remaining pending pre-trial Motions [Documents #54, #55, #60] are DENIED as moot.

This, the 22nd day of September, 2005.


United States District Judge