

JEFFREY BERNARD LINEBERGER v. NORTH CAROLINA DEPARTMENT OF
CORRECTION, a North Carolina State Agency, and THE NORTH CAROLINA
POST-RELEASE SUPERVISION AND PAROLE COMMISSION, a North Carolina
State Agency

No. 141A08

FILED: 12 DECEMBER 2008

Appeal pursuant to N.C.G.S. § 7A-30(2) from the
decision of a divided panel of the Court of Appeals, 189 N.C.
App. ___, 657 S.E.2d 673 (2008), affirming an order and judgment
entered on 7 June 2006 by Judge Donald W. Stephens in Superior
Court, Wake County. On 11 June 2008, the Supreme Court allowed
defendants' petition for discretionary review of additional
issues. Heard in the Supreme Court 18 November 2008.

*Glover & Petersen, P.A., by Ann B. Petersen and James
R. Glover, for plaintiff-appellee.*

*Roy Cooper, Attorney General, by Elizabeth F. Parsons,
Assistant Attorney General, for defendant-appellants.*

PER CURIAM.

As to the issue on direct appeal based on the
dissenting opinion, we affirm the majority decision of the Court
of Appeals. We conclude that the petition for discretionary
review as to additional issues was improvidently allowed.

AFFIRMED IN PART; DISCRETIONARY REVIEW IMPROVIDENTLY
ALLOWED IN PART.