

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

JENNIFER L. ERTL,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:09-cv-693-MHT
)	[wo]
JOHN D. LANE,)	
)	
Defendant.)	

ORDER

On September 17, 2009, the magistrate judge issued a report and recommendation (doc. no. 7) to which no timely objections were made. Upon an independent and de novo review of the record and upon consideration of the recommendation of the magistrate judge, it is the ORDER, JUDGMENT and DECREE that:

- (1) The report and recommendation of the magistrate judge (doc. no. 7) is adopted;
- (2) Plaintiff’s motion to proceed in forma pauperis (doc. no. 2) is granted;
- (3) Plaintiff’s claims are dismissed without prejudice prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B);
- (4) Plaintiff’s motion to appeal (doc. no. 3) is denied as moot; and
- (5) Any other outstanding motions are denied as moot.

The court notes that, while there may be a question as to whether the Rooker-Feldman applies here, see Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280 (2005), this case is still due to be dismissed for the other grounds stated by the magistrate judge.

Done this 29th day of October, 2009.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE