

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

MARK GERAGHTY WONDERS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:12-CV-514-WKW
)	[WO]
ANTHONY CRUTCHFIELD, Major)	
General, and JAMES MUSKOPF, Colonel,)	
)	
Defendants.)	

ORDER

On May 13, 2013, the Magistrate Judge filed a Recommendation (Doc. # 49) that Mr. Plaintiff Mark Geraghty Wonders’s Second Amended Complaint be dismissed for lack of subject matter jurisdiction. Mr. Wonders filed an objection (Doc. # 50) and included in that objection a motion to amend his complaint. Defendants filed a response in opposition to Mr. Wonders’s filing. (Doc. # 51.)

Having independently reviewed the file in this case and conducted a *de novo* review of those portions of the Recommendation to which objection is made, *see* 28 U.S.C. § 636(b), the court finds that the objection lacks merit for the reasons set forth in the Recommendation and that subject matter jurisdiction is lacking. The court adds that even if a basis for supplemental jurisdiction existed, the court would decline to exercise such jurisdiction in this case. *See* 28 U.S.C. § 1367(c)(3). Furthermore, the

court finds that Mr. Wonders's motion to amend the second amended complaint is due to be denied on grounds of futility.

Accordingly, it is ORDERED that

- (1) Mr. Wonders' objection (Doc. # 50) is OVERRULED;
- (2) the Recommendation of the Magistrate Judge (Doc. # 49) is ADOPTED;
- (3) Defendants' motion to dismiss (Doc. # 42) is GRANTED;
- (4) Mr. Wonders's motion to amend the second amended complaint (Doc. # 50) is DENIED; and
- (5) this action is DISMISSED for lack of jurisdiction.

DONE this 4th day of June, 2013.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE