

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

ANDREA EGGLESTON MAYO,)
)
Plaintiff,)
)
v.)
)
SAMANTHA ALEXIS MAYO,)
KATHY AUSLEY, DOMBY)
LEVON AUSLEY, LARRY K.)
ANDERSON, TERRY KEY,)
PETER MCINNISH, BOBBY)
GENE TRUITT, STEVE)
PARRISH, CASEY BECK,)
MAURICE ALFONSO)
EGGLESTON, and KALIA)
LANE,)
)
Defendants.)

CASE NO. 1:17-CV-333-WKW
[WO]

ORDER

Before the court is the Recommendation of the Magistrate Judge (Doc. # 10), to which Plaintiff Andrea Eggleston Mayo has filed objections (Doc. # 11). The court has conducted an independent and *de novo* review of those portions of the Recommendation to which objection is made. *See* 28 U.S.C. § 636(b).

In her objection, Ms. Mayo argues the merits of her case, claiming that she is entitled to relief. In so doing, she misses the thrust of the Recommendation: that her case is due to be dismissed for lack of subject-matter jurisdiction. Rather, because

the state-court action had already been dismissed prior to the attempted removal, the Magistrate Judge properly recommended dismissal without prejudice.

Accordingly, it is ORDERED as follows:

1. Plaintiff Andrea Eggleston Mayo's objection (Doc. # 11) is OVERRULED;

2. The Recommendation of the Magistrate Judge (Doc. # 10) is ADOPTED; and

3. This case is DISMISSED without prejudice for lack of subject-matter jurisdiction.

A final judgment will be entered separately.

DONE this 24th day of July, 2017.

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