

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

TEDDY A. WATSON,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:09-CV-19-WKW
)	
THE UNITED STATES OF AMERICA,)	
<i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On August 18, 2009 the Magistrate Judge filed a Report and Recommendation in this case. (Doc. # 11.) On August 31, 2009, Plaintiff Teddy A. Watson filed an objection. (Doc. # 12.) 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)(1).

Mr. Watson was given multiple opportunities (Docs. # 4, 7) by the Magistrate Judge to amend his complaint to provide a short and plain statement of his claims, in conformance to the Federal Rules of Civil Procedure. He repeatedly failed to do so. Moreover, for the reasons given by the Magistrate Judge, Mr. Watson’s complaint fails to adequately establish a basis for federal subject matter jurisdiction.

Mr. Watson’s objection largely fails to take issue with specific findings in the Magistrate Judge’s report. To the extent the objection raises new factual assertions, they come too late to revive his claims. *See Williams v. McNeil*, 57 F.3d 1287, 1292 (11th Cir. 2009) (holding that arguments not presented before the Magistrate Judge need not be

considered by the district court). Even were Mr. Watson's assertions to be considered in full, they would not suffice to cure the deficiencies in his complaint cited in the Magistrate Judge's report.

Accordingly, it is ORDERED that:

- (1) Mr. Watson's objection (Doc. # 12) is OVERRULED;
- (2) The Report and Recommendation (Doc. # 11) is ADOPTED;
- (3) Mr. Watson's motion for leave to amend his complaint (Doc. # 13) is DENIED;
- (4) Mr. Watson's claims are DISMISSED, without prejudice, for failure to establish federal subject matter jurisdiction, and;
- (5) All pending motions (Docs. # 9, 10, 13) are DENIED as moot.

DONE this 10th day of September, 2009.

 /s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE