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

CALVIN S. SEARS, *et al.*,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CASE NO. 2:09-CV-164-WKW[WO]
	)	
EMMANUEL MATHEWS, *et al.,*	)	
	)	
Defendants.	)	

ORDER

On March 6, 2009, the Magistrate Judge filed a Recommendation in this case. (Doc. # 4.) Plaintiffs filed an objection on March 19, 2009. (Doc. # 5.) Having conducted an independent and *de novo* review of those portions of the Recommendation to which objection is made, 28 U.S.C. § 636(b)(1), the court finds that it lacks subject matter jurisdiction because there is no diversity of citizenship, *see* 28 U.S.C. § 1332(a), and no federal question appears on the face of the complaint, *see* 28 U.S.C. § 1331. Accordingly, it is ORDERED that

1. Plaintiffs' objection (Doc. # 5) is OVERRULED;

2. the Recommendation (Doc. # 4) is ADOPTED; and

3. this case is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2), and for lack of subject matter jurisdiction, pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure.[1]

DONE this 26th day of March, 2009.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE

[1] This Order, by itself, does not preclude Plaintiffs from seeking an appropriate remedy in state court.