

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

DONALD M. HUBERTY,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:09-CV-350-WKW
)	
THE UNITED STATES OF AMERICA,)	
<i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On June 24, 2009, the Magistrate Judge filed a recommendation that this case be dismissed prior to service of process. (Doc. # 8.) The recommendation concluded that Plaintiff Donald M. Huberty’s complaint insufficiently alleged jurisdiction. Huberty objected to the recommendation in the form of a motion. (Doc. # 9.) The portions of the recommendation to which a party objects are reviewed *de novo*. 28 U.S.C. § 636(b)(1).

A *de novo* review of the record and law confirms that the recommendation (Doc. # 8) is due to be adopted. As the recommendation finds, the complaint fails to include a “short and plain statement of the grounds for the court’s jurisdiction,” Fed. R. Civ. P. 8(a)(1), that adequately alleges personal jurisdiction.¹

Accordingly, it is ORDERED that:

- (1) Huberty’s objections (Doc. # 9) are OVERRULED; and

¹ The recommendation noted also the absence of subject-matter jurisdiction. In his objections, Huberty lists federal constitutional amendments that allegedly form the basis for his complaint.

(2) The recommendation (Doc. # 8) that the case be dismissed prior to service of process for lack of jurisdiction is ADOPTED, and the case is DISMISSED for lack of personal jurisdiction.

DONE this 14th day of July, 2009.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE