

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

TREMANE D. CARTHEN,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:10-CV-281-WKW [WO]
	)	
BAPTIST SOUTH	)	
MEDICAL CENTER, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On February 23, 2011, the Magistrate Judge filed a Report and Recommendation in this case to which no timely objections have been filed. (Doc. # 32.) Upon an independent review of the file in this case and upon consideration of the Recommendation it is ORDERED that the Recommendation is ADOPTED as follows:

- (1) Defendant Jerry Gurley’s Motion to Dismiss (Special Appearance) (Doc. # 20) is GRANTED;
  - (2) Plaintiff’s claims against Defendant Jerry Gurley are DISMISSED without prejudice for lack of subject matter jurisdiction; and
  - (3) The case is referred back to the Magistrate Judge for additional proceedings.
- DONE this 11th day of March, 2011.

          /s/ W. Keith Watkins            
UNITED STATES DISTRICT JUDGE