

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

VIRGINIA A. SMITHERMAN, as)	
Administratrix of the Estate of Trentina)	
Valencia Smitherman,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:10-cv-894-MEF
)	WO
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #24) to the Recommendation of the Magistrate Judge filed on August 12, 2011 is overruled;
2. The Amended Report and Recommendation of the Magistrate Judge (Doc. #23) filed on August 1, 2011 is adopted;
3. The plaintiff's Motion to Amend the Complaint (Doc. #22) is DENIED as futile.
4. Defendant's Motion to Dismiss (Doc. #15) is GRANTED and plaintiff's claims are DISMISSED.
5. The Alternative Motion for Summary Judgment is DENIED as moot.
6. Any other outstanding motions are DENIED as moot.

DONE this the 17th day of August, 2011.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE