

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

WILBUR J. SAMUEL,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:12-cv-0773-MEF
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

**ORDER**

On April 5, 2013, the Magistrate Judge filed a Recommendation (Doc. #23) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is the

ORDER, JUDGMENT and DECREE of the court that:

1. The Recommendation of the Magistrate Judge is ADOPTED.
2. That the government's motion to dismiss is GRANTED, plaintiff's motion not to dismiss is DENIED, and this action is DISMISSED with prejudice for lack of subject matter jurisdiction.

DONE this the 30th day of April, 2013.

\_\_\_\_\_  
/s/ Mark E. Fuller  
UNITED STATES DISTRICT JUDGE