

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

WINDHAM TODD PITTMAN,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:14cv959-MHT
)	(WO)
STATE FARM FIRE AND)	
CASUALTY INSURANCE)	
COMPANY; et al.,)	
)	
Defendants.)	

ORDER

In her answer (doc. no. 13), defendant Teresa Spence states: "I move to dismiss this case because the plaintiff's complaint fails to state a claim upon which relief can be granted. Rule 12(b). This claim should also be dismissed because the federal court has no jurisdiction in this matter."

Accordingly, it is ORDERED as follows:

(1) Defendant Teresa Spence's answer (doc. no. 13) is treated as a motion to dismiss the plaintiff's complaint, as amended.

(2) As to defendant Spence, the plaintiff is to show cause, if any there be, in writing by December 16, 2015, as to why his complaint, as amended, should not be dismissed as set forth in the magistrate judge's recommendation (doc. no. 86), that is, the federal claims should be dismissed on the merits and the state claims should be dismissed with leave to refile in state court.

DONE, this the 2nd day of December, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE