

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

LEEROY JONES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:16CV943-WHA
)	
DARBY WRIGHT,)	
)	
Defendant.)	

ORDER

This case is before the court on a Recommendation of the Magistrate Judge (Doc. #4) and the Plaintiff’s Objection thereto (Doc. #5).

Following an independent evaluation and *de novo* review of the file in this case, the court has determined that the Objection is without merit.

The Magistrate Judge found no subject matter jurisdiction and recommended dismissal prior to service of process. The Plaintiff does not address this, but asks the court to give him a day in court to prove his case. The court agrees with the Magistrate Judge that the Plaintiff has alleged no basis for federal court jurisdiction and it is, therefore, ORDERED as follows:

1. The Objection is OVERRULED.
2. The court adopts the Recommendation of the Magistrate Judge.
3. This case is DISMISSED prior to service of process, pursuant to Fed. R. Civ. P. 12(h)(3) for lack of subject matter jurisdiction.

DONE this 28th day of February, 2017.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE