

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

LAUREN E. McWATERS,)
)
Plaintiff,)
)
v.) CASE NO. 2:18-CV-103-WKW
)
MICHELLE HART)
THOMASON, Judge,)
)
Defendant.)

ORDER

On March 4, 2019, the Magistrate Judge filed a Recommendation to which no timely objections have been made. (Doc. # 9.) Upon an independent review of the record and consideration of the Recommendation, it is ORDERED that the Recommendation (Doc. # 9) is ADOPTED and that Plaintiff's complaint (Doc. # 1) is DISMISSED with prejudice as barred by the statute of limitations.¹

Final judgment will be entered separately.

DONE this 29th day of March, 2019.

/s/ W. Keith Watkins

UNITED STATES DISTRICT JUDGE

¹ The Recommendation does not state whether dismissal should be with or without prejudice. But it does recommend dismissal because the applicable statute of limitations bars Plaintiff's action, and such a dismissal "is a decision on the merits for *res judicata* purposes." *Mathis v. Laird*, 457 F.2d 926, 927 (5th Cir. 1972). Moreover, an involuntary dismissal is automatically assumed to be with prejudice under Rule 41(b). *See* Fed. R. Civ. P. 41(b) (stating that unless the order states otherwise, an involuntary dismissal "operates as an adjudication on the merits").