

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

RICKEY LETT,)
)
Plaintiff,)
)
v.) CASE NO. 2:24-cv-775-ECM
) [WO]
GLORIA ELAINE LOWE,)
)
Defendant.)

MEMORANDUM OPINION and ORDER

Plaintiff Rickey Lett (“Lett”), proceeding *pro se*, brought this civil action arising out of a car accident in which Defendant Gloria Elaine Lowe (“Lowe”) allegedly struck Lett’s vehicle. On January 3, 2025, the Magistrate Judge entered a Recommendation that Lowe’s motion to dismiss (doc. 5) be granted and this case be dismissed without prejudice for lack of subject matter jurisdiction. (Doc. 16). On January 8, 2025, the Plaintiff timely filed objections to the Magistrate Judge’s Recommendation. (Doc. 17).

After carefully reviewing the record in this case, the Recommendation of the Magistrate Judge, and Lett’s objections, the Court concludes that Lett’s objections are due to be overruled, the Recommendation of the Magistrate Judge is due to be adopted, and this case is due to be dismissed without prejudice.

When a party objects to a Magistrate Judge’s Report and Recommendation, the district court must review the disputed portions *de novo*. 28 U.S.C. § 636(b)(1); *see also* *United States v. Raddatz*, 447 U.S. 667, 674 (1980). The district court “may accept, reject, or modify the recommended disposition; receive further evidence; or resubmit the matter

to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1). *De novo* review requires that the district court independently consider factual issues based on the record. *Jeffrey S. by Ernest S. v. State Bd. of Educ. of State of Ga.*, 896 F.2d 507, 513 (11th Cir. 1990). However, objections to the Magistrate Judge’s Report and Recommendation must be sufficiently specific in order to warrant *de novo* review. *See LoConte v. Dugger*, 847 F.2d 745, 750 (11th Cir. 1988) (“Whenever any party files a timely and specific objection to a finding of fact by a magistrate [judge], the district court has an obligation to conduct a *de novo* review of the record with respect to that factual issue.”). Otherwise, a Report and Recommendation is reviewed for clear error.

The Magistrate Judge recommends that this action be dismissed for lack of subject matter jurisdiction. The Magistrate Judge reasoned that Lett’s complaint does not plead federal question jurisdiction pursuant to 28 U.S.C. § 1331 (doc. 16 at 2), and the Court lacks diversity jurisdiction pursuant to 28 U.S.C. § 1332 because Lett and Lowe are Alabama citizens (*id.* at 2–3). In his complaint, Lett alleges that he is an Alabama citizen. (Doc. 1 at 2). Lett does not plead Lowe’s citizenship. In her Conflict Disclosure Statement, Lowe attests that she is a citizen of Alabama. (Doc. 8).

The Court has carefully reviewed the Magistrate Judge’s Recommendation, Lett’s objections, and the entire record in this case. Lett’s objections do not address the Court’s subject matter jurisdiction, instead focusing largely Lett’s belief that he is entitled to relief on the merits. The Court agrees with the Magistrate Judge that the Court lacks subject matter jurisdiction over this case. Lett’s complaint does not plead sufficient facts to invoke

federal question jurisdiction, and diversity jurisdiction is also lacking. Because Lett does not plead Lowe's citizenship, Lett's complaint on its face is insufficient to invoke the Court's diversity jurisdiction. *See King v. Cessna Aircraft Co.*, 505 F.3d 1160, 1171 (11th Cir. 2007) ("Where, as here, the plaintiff asserts diversity jurisdiction, he has the burden to prove that there is diversity."). Moreover, as noted above, Lowe attests that she is an Alabama citizen. (Doc. 8). Lett does not contest Lowe's citizenship or otherwise establish that the Magistrate Judge committed any error in his analysis or conclusions. Consequently, Lett's objections are due to be overruled.

Accordingly, upon an independent review of the record, and for good cause, it is ORDERED as follows:

1. The Plaintiff's objections (doc. 17) are OVERRULED;
2. The Recommendation of the Magistrate Judge (doc. 16) is ADOPTED;
3. Lowe's motion to dismiss (doc. 5) is GRANTED;
4. All pending motions are DENIED as moot;
5. This case is DISMISSED without prejudice.

A separate Final Judgment will be entered.

DONE this 4th day of April, 2025.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE