

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

WAYNE RAY,)
)
Plaintiff,)
)
v.) CASE NO. 3:13-CV-375-WKW
)
FEDERAL DEPOSIT)
INSURANCE CORPORATION,)
as receiver for FRONTIER)
BANK, *et al.*,)
)
Defendants.)
)

ORDER

On May 1, 2014, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 21.) Upon an independent review of the file in this case, it is ORDERED that the Recommendation is ADOPTED insofar as this action is DISMISSED for lack of subject-matter jurisdiction. It is ORDERED, however, that, although the FDIC, as receiver for Frontier Bank, has demonstrated its entitlement to the funds at issue, the motion to pay over interpleaded funds (Doc. # 16) is DENIED on the grounds that this court does not hold the funds. Notably, there is an Order from the Circuit Court of Lee County, Alabama, directing the Lee County Circuit Clerk to pay over to the Clerk of the Court for the United States District Court for the Middle District of Alabama

all remaining funds interpleaded (*see* Doc. #1-14), but the court has been informed that the Clerk of this Court never has received those funds. The court will postpone entering final judgment until the funds are located and deposited with the court.

DONE this 13th day of June, 2014.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE