

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BILLY G WILLIAMS,

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Plaintiff,

]

]

v.

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2:22-cv-01353-ACA

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CHEVRON STORE 209084,

]

]

Defendant.

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MEMORANDUM OPINION

Plaintiff Billy Williams, proceeding *pro se*, filed this action against “Chevron Store (209084)” and a fictitious defendant based on a cashier’s actions when Mr. Williams was purchasing some items. (Doc. 1 at 5). The magistrate judge to whom the case was referred entered an order requiring Mr. Williams to show cause why the case should not be dismissed for lack of subject matter jurisdiction. (Doc. 4). When Mr. Williams failed to respond to that order, the magistrate judge entered a second order to show cause. (Doc. 5). After Mr. Williams again failed to respond, the magistrate judge reassigned the action, explaining that dismissal was appropriate for lack of subject matter jurisdiction or, alternatively, failure to prosecute, but that he could not enter a final order because obtaining the consent of all parties was not feasible. (Doc. 6).

Having reviewed the record in this case, the court agrees that dismissal is appropriate for the reasons set out in the magistrate judge's reassignment order. (*See* doc. 6). Accordingly, the court **WILL DISMISS** this action **WITHOUT PREJUDICE** for lack of subject matter jurisdiction or, alternatively, failure to prosecute.

The court will enter a separate final order consistent with this opinion.

DONE and **ORDERED** this November 18, 2022.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE