

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

JOHNNIE L. SMITH,)	
)	
Plaintiff)	
)	
vs.)	CASE NO. 5:13-cv-00299-SLB-TMP
)	
JERRY WOOD, et al.,)	
)	
Defendants)	

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on March 28, 2013, recommending that the plaintiff's motion to proceed *in forma pauperis* be denied, and this action be dismissed without prejudice for lack of subject matter jurisdiction under Rule 12(h)(3) of the *Federal Rules of Civil Procedure* and 28 U.S.C. § 1915(e); *Morrison v. Allstate Indem. Co.*, 228 F.3d 1255, 1261 (11th Cir. 2000). (Doc. 4). No objections were filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. This case is due to be **DISMISSED**, without prejudice, for lack of subject matter jurisdiction, and all pending motions are due to be **DENIED**, as **MOOT**.

A Final Judgment will be entered.

DATED this 3rd day of July, 2013.

Sharon Lovelace Blackburn

SHARON LOVELACE BLACKBURN
CHIEF UNITED STATES DISTRICT JUDGE