

this action should be dismissed for the reasons stated.

Therefore, after due consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(A) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED** without prejudice for lack of subject matter jurisdiction or, in the alternative, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to comply with Rule 8(a) of the Federal Rules of Civil Procedure and with the Court's Orders.

DONE this 2nd day of September, 2008.

S/Charles R. Butler, Jr.

SENIOR UNITED STATES DISTRICT JUDGE