

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

WALTER PATRICK,	:	
Plaintiff,	:	
vs.	:	CIVIL ACTION 11-0050-CG-M
LARRY WAYNE FRITH,	:	
Defendant.	:	

ORDER

After due and proper 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 made¹, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) 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.

DONE and ORDERED this 20th day of May, 2011.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE

¹ In his objection to the Report and Recommendation, plaintiff asks to be allowed to amend his complaint, however the scenario he proposes to include in the proposed amended complaint to properly allege a RICO violation does not cure the defects described in the Magistrate Judge's Report and Recommendation.