

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

E.S. WELCH, SR.,	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>CIVIL ACTION 13-0174-WS-C</b>
	)	
<b>CHARLES R. GODWIN, etc., et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

On April 12, 2013, the Court issued an order directing the plaintiff to file, no later than April 29, 2013, an amended complaint reflecting the existence of subject matter jurisdiction and satisfying the pleading requirements of Rule 8. (Doc. 2). The plaintiff was expressly warned that failure to do so would result in dismissal of this action without prejudice. (*Id.* at 2). The plaintiff has filed nothing other than a request for return of his filing fee. (Doc. 3).

Accordingly, this action is **dismissed without prejudice** for the following reasons: (1) under Rule 12(h)(3) for lack of subject matter jurisdiction; (2) under Rule 12(e) for failure to file a more definite statement as ordered by the Court; and (3) under Rule 41(b) for failure to comply with pleading rules and the Court’s order.

DONE and ORDERED this 3<sup>rd</sup> day of May, 2013.

s/ WILLIAM H. STEELE  
CHIEF UNITED STATES DISTRICT JUDGE