

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

<p>CYNTHIA HALL,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p>v.</p> <p>MD JOHN PATRICK COUCH,</p> <p style="padding-left: 40px;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CIVIL ACTION NO. 16-00394-KD-N</p>
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ORDER

After due and proper consideration of the issues raised, and a *de novo* determination of those portions of the recommendation to which objection is made (doc. 6), the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), and S.D. Ala. GenLR 72(a)(2)(S), and dated September 7, 2016, (doc. 5) is **ADOPTED** as the opinion of this Court.

As plead, Plaintiff's complaint is not proper in the federal court because she did not allege any basis for federal subject matter jurisdiction. Plaintiff has stated a potential state law claim, which should be filed in state court.

Accordingly, it is **ORDERED** that this action is **DISMISSED without prejudice** under Federal Rule of Civil Procedure 12(h)(3)¹ for lack of subject-matter jurisdiction.

In accordance with Federal Rule of Civil Procedure 58, final judgment shall be entered by separate document.

DONE and ORDERED this the 23rd day of September 2016.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE

¹ "If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action." Fed. R. Civ. P. 12(h)(3).