

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

LAWRENCE D. KING,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 16-559-CG-C
)	
ELAINE KENNEDY PINKNEY,)	
)	
Defendant.)	
)	

ORDER

This matter is before the Court on the Report and Recommendation of the Magistrate Judge, dated April 20, 2017 (Doc. 16) and Plaintiff's objection (Doc. 19) thereto. 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 recommendation to which objection is made, the Court agrees with the recommendation of the Magistrate Judge that the Plaintiff's claims brought on behalf of his mother, deceased, and his sister should be dismissed without prejudice.

Plaintiff's objection has pointed to no law allowing him to bring suit on behalf of his mother's estate or his sister as a personal representative. Further, it is obvious from a *de novo* review of the Magistrate Judge's Report and Recommendation that the allegations set forth in the complaint were

taken as true and construed in the light most favorable to Plaintiff. As such, Plaintiff's objection to the Report and Recommendation is hereby **OVERRULED**, and 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 Plaintiff's claims asserted on behalf of his mother Marva Lee King, deceased, and his sister Shelia D. Tribbitt are hereby **DISMISSED without prejudice**. Further, Plaintiff is **ORDERED** to file an amended complaint setting forth his personal claim or claims against Defendant Elaine Kennedy Pinkney no later than **June 8, 2017**.

DONE and **ORDERED** this 25th day of May, 2017.

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