

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

ELMORE S. WELCH, JR.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 16-0618-CG-N
	)	
ATMORE COMMUNITY HOSPITAL,	)	
	)	
Defendant.	)	

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, the Report and Recommendation (Doc. 7) 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 February 17, 2017, is **ADOPTED** as the opinion of this Court.

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

Final judgment shall be entered by separate document in accordance with Federal Rule of Civil Procedure 58.

**DONE and ORDERED** this 6th day of March, 2017.

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