

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

SUNIL GUPTA, M.D., LLC)	
<i>d/b/a Retina Specialty Institute,</i>)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 17-00136-KD-N
)	
WRIGHT B. LAUTEN,)	
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 Recommendations (Docs. 40, 41) 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 January 12, 2018, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that the motion to dismiss for *forum non conveniens* (Doc. 34) filed by Defendant Wright B. Lauten is **GRANTED**, that Lauten’s “Second and/or Renewed Motion to Abstain” (Doc. 35) is **DENIED as moot**, and that this action is **DISMISSED without prejudice**, subject to the Plaintiff’s ability to move to reinstate this action within a reasonable amount of time if it can demonstrate that it is unable to reassert its claims in the selected forum.

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

DONE and ORDERED this the 5th day of February 2018.

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