

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

**MICHAEL T. LEWIS,**

**Plaintiff,**

**vs.**

**XANTERRA PARK and RESORT,**

**Defendant.**

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**CIV. ACT. NO. 1:21-cv-455-TFM-C**

**MEMORANDUM OPINION AND ORDER**

On February 7, 2022 the Magistrate Judge entered a Report and Recommendation which recommends dismissal for improper venue. *See* Doc. 7. No objections were filed. Moreover, the Court notes that Plaintiff advised he filed a new lawsuit on this same matter in the District of Montana, Civ. Act. No. 1:21-cv-115-SPW-TJC (D. Mont. Nov. 15, 2021) in order to comply with the venue requirements.

Accordingly, after due and proper consideration of all issues raised, and there having been no objections filed, the recommendation of the Magistrate Judge is **ADOPTED** as the opinion of this Court. It is therefore **ORDERED** that Plaintiff's Motion for Leave to Proceed Without Payment of Fees (Doc. 2) is **GRANTED** and this action is **DISMISSED without prejudice** for improper venue.

A separate judgment will issue pursuant to Fed. R. Civ. P. 58.

**DONE and ORDERED** this 24th day of March, 2022.

/s/Terry F. Moorner  
TERRY F. MOORER  
UNITED STATES DISTRICT JUDGE