

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

SONIA PATRICK,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

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CIVIL ACTION 2:17-00525-KD-N

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendations of the Magistrate Judge made under 28 U.S.C. § 636(a)-(b) and S.D. Ala. Gen. LR 72(a)-(b), and dated July 6, 2018, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that:

- 1) Whatley's First Motion to Dismiss (Doc. 18) is **GRANTED** under Rule 12(b)(1), and alternatively under Rule 12(b)(6);
- 2) the United States' motion to partially dismiss (Doc. 12) is **GRANTED** under Rule 12(b)(1) as to Plaintiff's tort claims related to Dr. Rowe's prescription of opioids, but otherwise is **DENIED**;
- 3) the United States' unopposed motion for extension of time to file a responsive pleading (Doc. 12) is **GRANTED**, such that the Rule 12(a)(4)(A) deadline for the United States to file its responsive pleading is extended from 14 days to 30 days following entry of the Court's order disposing of the United States' motion to dismiss; and
- 4) the Court *sua sponte* **STRIKES** the Complaint's Second Cause of Action under Rule 12(f) as redundant.

DONE and ORDERED this the 24th day of July 2018.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

CHIEF UNITED STATES DISTRICT JUDGE