Lankster v. Alabama Power Doc. 20

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

ALBERT FRANKLIN LANKSTER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**CIV. ACT. NO. 2:23-cv-191-TFM-N**
	)	
ALABAMA POWER,	)	
	)	
Defendant.	)	

MEMORANDUM OPINION AND ORDER

On October 5, 2023, the Magistrate Judge issued a Report and Recommendation which recommends Defendant Alabama Power's motion to dismiss (Doc. 10, filed 7/5/23) be granted and this case dismissed without prejudice for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted. *See* Doc. 19. No objections were filed, the deadline has passed, and the Report and Recommendation is ripe for review.

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of this Court. Accordingly, it is **ORDERED** that Defendant Alabama Power's motion to dismiss (Doc. 10) is **GRANTED**. Plaintiff Albert F. Lankster's amended complaint is **DISMISSSED without prejudice**.

Final judgment shall issue separately in accordance with this order and Fed. R. Civ. P. 58.

DONE and **ORDERED** this 17th day of November, 2023.

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

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