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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

OWLANE DUNKLEY,

Plaintiff,

v.

CORRECTIONS CORPORATION OF
AMERICA, *et al.*,

Defendants.

) Case No. 13-cv-162-L(BLM)

) **ORDER GRANTING DEFENDANT**
) **UNITED STATES OF AMERICA'S**
) **MOTION TO DISMISS [Doc. # 10]**

On June 17, 2013, the United States filed a motion to dismiss Plaintiff Olwane Dunkley's claims of negligence and medical malpractice pursuant to Federal Rule of Civil Procedure 12(b)(1) because the Court lacks subject matter jurisdiction. [Doc. # 10.] The United States argues it is immune from suit under the Federal Tort Claims Act's Independent Contractor Exception. On July 8, 2013, Plaintiff filed his response and consented to the dismissal of the United States without prejudice. [Doc. # 15.]

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1 Based on the foregoing, Defendant United States of America's Motion to Dismiss is
2 **GRANTED** without prejudice. The claims against the Corrections Corporation of America
3 remain pending.

4 **IT IS SO ORDERED.**

5 DATED: August 1, 2013

6 
7 M. James Lorenz
8 United States District Court Judge

9 COPY TO:

10 HON. BARBARA LYNN MAJOR
11 UNITED STATES MAGISTRATE JUDGE

12 ALL PARTIES/COUNSEL
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