

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

FRED KRATT
and
PEGGY KRATT,

Plaintiffs,

vs.

Case No. 3:08cv464/RV/EMT

JEFFREY BURNS, et al.,

Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated July 2, 2009 (Doc. 43). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of all timely filed objections.

Having considered the Report and Recommendation, and any timely filed objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.

2. The motions to dismiss pursuant to Fed. R. Civ. P. 12 filed by Defendant Regions Bank (Doc. 29) and by Defendants Jeffrey Burns; Donald Rutland; Judith Rutland; The Rutland Company; and Rutland Resort Properties (Doc. 31) are **GRANTED** and this cause as to all Defendants is **DISMISSED** for lack of subject matter jurisdiction. Dismissal of the federal claims shall be with prejudice. Dismissal of the state law claims shall be without prejudice.

3. The motion for preliminary injunctive relief (Doc. 19) is **DENIED** as moot.
4. The clerk is directed to **CLOSE** this case.

DONE AND ORDERED this 14th day of August, 2009.

/s/ Roger Vinson _____

ROGER VINSON
SENIOR UNITED STATES DISTRICT JUDGE