1 2 3 4 UNITED STATES DISTRICT COURT 5 DISTRICT OF NEVADA -000-6 7 RICHARD GLEN COLTER, 2:11-CV-00630-PMP-RJJ 8 Plaintiff, 9 **ORDER** 10 VS. RAY LAHOOD, et al., 11 12 Defendants. 13 Before the Court for consideration is the fully briefed Motion of United States 14 to Dismiss Plaintiff Colter's Amended Complaint (Doc. #42) filed October 5, 2011. 15 Having read and considered the briefs filed by the Parties on Defendant's Motion, 16 the Court finds that Defendant United States is entitled to the relief requested for the 17 reasons set forth in Defendant United States' Motion (Doc. #42). 18 Specifically, the Court finds that Plaintiff Colter lacks Article III standing to 19 assert the claims alleged in the Amended Complaint (Doc. #29-1) against Defendant 20 United States. Additionally, the Court finds that it lacks subject matter jurisdiction 21 to hear this case because none of the statutes or authorities cited by Colter reflect a 22 waiver of sovereign immunity by Defendant. Moreover, Plaintiff Colter has failed to 2.3 state a claim upon which relief can be granted under the Administrative Procedures 24 Act. 25 26 ///

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IT IS THEREFORE ORDERED that Defendant United States' Motion to Dismiss Plaintiff's Amended Complaint (Doc. #42) is **GRANTED** and that Plaintiff's Complaint is hereby dismissed with prejudice.

Phy m. On

PHILIP M. PRO United States District Judge

DATED: December 7, 2011.