

IT IS FURTHER ORDERED that plaintiff's Amended Complaint filed August 21, 2013 is dismissed with prejudice.

IT IS FURTHER ORDERED that the Motion to Dismiss is denied to the extent it seeks to dismiss this action for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER _____
James Knoll Gardner
United States District Judge