

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARMANE SMITH, : 3:17cv1677  
Plaintiff : (Judge Munley)  
v. : (Magistrate Judge Carlson)  
HABAND, :  
Defendant :  
.....

**ORDER**

AND NOW, to wit, this 30th day of October 2017, it is hereby **ORDERED** as follows:

1. Plaintiff's Objections (Doc. 3) to Magistrate Judge Martin C. Carlson's report and recommendation (Doc 2) are **OVERRULED**;
2. Magistrate Judge Martin C. Carlson's report and recommendation is **ADOPTED**;
3. Plaintiff's complaint (Doc.1) is **DISMISSED** for failure to state a claim for which relief may be granted, and for lack of subject matter jurisdiction, without prejudice to file in an appropriate state court; and
4. The Clerk of Court is directed to close this case.

**s/James M. Munley**  
**JUDGE JAMES M. MUNLEY**  
**United States District Court**