



The Court makes one modification to the Magistrate Judge’s recommendation. Because the Court, like the Magistrate Judge, concludes that it lacks subject matter jurisdiction, this case will be dismissed *without* – rather than with – prejudice. *See, e.g., Revere v. Wilmington Fin.*, 406 F. App’x 936, 937 (6th Cir. 2011) (“Dismissal for lack of subject-matter jurisdiction should normally be without prejudice . . .”).

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter’s Report and Recommendation **AS MODIFIED**, and this action is hereby **DISMISSED WITHOUT PREJUDICE**. Plaintiffs’ application to proceed *in forma pauperis* (Doc. 1) is **DENIED AS MOOT**.

**SO ORDERED** this 23rd day of May, 2013.

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*/s/ Harry S. Mattice, Jr.*  
HARRYS. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE

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Plaintiff did, however, file an amended application to proceed *in forma pauperis*. That amended application has no material bearing on the Magistrate Judge’s well-reasoned conclusions.