

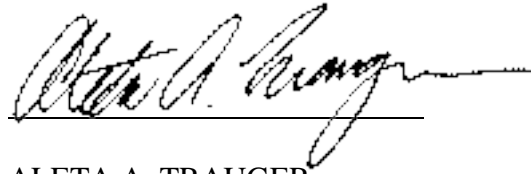
Tennessee.

On February 4, 2009, the Magistrate Judge issued another Report and Recommendation (Docket No. 128), to which no timely objections have been filed. This Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that defendant Michael Collins's Motion to Dismiss (Docket No. 90) is **GRANTED**, and the Complaint, as amended, against Mr. Collins is **DISMISSED WITH PREJUDICE**.²

As other matters remain pending in this case, this case is **REFERRED** back to Magistrate Judge Bryant for further handling under the original referral Order.

It is so ordered.

Enter this 31st day of March 2009.



ALETA A. TRAUGER
United States District Judge

² The court has reviewed the materials referenced by plaintiff Tommy Moss in Mr. Moss's recent filings. (See Docket Nos. 146 and 147.) These materials do not affect the outcome of either Report & Recommendation. First, the materials fail to provide support for the proposition that the court has jurisdiction over the declaratory judgment action that Mr. Moss has attempted to remove to this court, and lack of jurisdiction was the primary basis for Judge Bryant's recommendation that the declaratory judgment action be remanded. (Docket No. 124.) Second, the materials fail to provide support for the proposition that Mr. Moss has standing to assert attorney malpractice claims against defendant Collins, and lack of standing was the primary basis for Judge Bryant's recommendation that plaintiff Moss's claims against Mr. Collins be dismissed. (Docket No. 128.)