

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

**OWEN CARL BELL and** )  
**BANKRUPTCY TRUSTEE JOHN C.** )  
**MCCLEMORE,** )

**Plaintiff,** )

**v.** )

**ED WALLIS III & CO., AND ED** )  
**WALLIS, GLASSMAN, WYATT,** )  
**TUTTLE, AND COX, P.C.,** )

**Defendants.** )

**NO. 3:17-cv-00642**  
**CHIEF JUDGE CRENSHAW**

**ORDER**

Before the Court is Owen Bell’s Objection to the Magistrate Judge’s May 8, 2017 Order (Doc. No. 19) substituting the Bankruptcy Trustee John C. McClemore as the proper plaintiff in this matter. (Doc. No. 20.) Pursuant to Local Rule 72.02(b)(1), the Court construes Bell’s Objection as a Motion to Review. Also before the Court is a Report and Recommendation from the Magistrate Judge (Doc. No. 22), recommending the Court dismiss this case for lack of subject matter jurisdiction. In response, Bell filed a Motion to Quash Pending Order of Dismissal (Doc. No. 23), which the Court construes as an Objection to the Magistrate Judge’s Report and Recommendation, pursuant to Local Rule 72.03(b)(1). After a de novo review, the Court agrees that there is no subject matter jurisdiction in this case. Accordingly, the Report and Recommendation (Doc. No. 22) is **ADOPTED IN PART and DECLINED IN PART**, and Bell’s Motion to Review (Doc. No. 20) is **DENIED AS MOOT**.

The Amended Complaint alleges multiple state law claims against Ed Wallis III & Law Firm Ed Wallis, Glassman, Wyatt, Tuttle, and Cox, P.C. (Doc. No. 6.) It alleges that Plaintiff is a

resident of Tennessee (*id.* at 2), and does not allege the residency of Defendants. Wallis, Glassman, Wyatt, Tuttle, & Cox, P.C., is incorporated in Tennessee, making it a Tennessee resident. 28 U.S.C. § 1332(c)(1). As such, both Bell and Wallis, Glassman, Wyatt, Tuttle, and Cox, P.C., are residents of Tennessee, so there is no diversity jurisdiction in this case. 28 U.S.C. § 1332(a). There is also no federal question, 28 U.S.C. § 1331, so the Court does not have jurisdiction over this case.

As the Amended Complaint (Doc. No. 6) superseded the original Complaint (Doc. No. 1), Defendants' Motion to Dismiss (Doc. No. 4) is **DENIED AS MOOT**. However, given the Magistrate Judge's Report and Recommendation, Bell is on notice that the Court may not have subject matter jurisdiction, and his 23-page Objections (Doc. No. 23) did not address jurisdiction. As such, the Court *sua sponte* finds that it does not have jurisdiction over this case. See *McLaughlin v. Cotner*, 193 F.3d 410, 412 (6th Cir. 1999) (affirming that a district court may *sua sponte* dismiss a complaint when it clearly lacks jurisdiction).

For the foregoing reasons, the Complaint is **DISMISSED WITHOUT PREJUDICE**. All pending motions are **DENIED AS MOOT**. The Clerk shall enter judgment in accordance with Federal Rule of Civil Procedure 58.

IT IS SO ORDERED.

  
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WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE