

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 07-13819  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT April 14, 2008 THOMAS K. KAHN CLERK
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D. C. Docket No. 07-60771-CIV-JIC

MRI SCAN CENTER, INC.,  
on behalf of itself and all others similarly situated,

Plaintiff-Appellant,

versus

ALLSTATE INSURANCE COMPANY,

Defendant-Appellee.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Florida  
\_\_\_\_\_

**(April 14, 2008)**

Before WILSON, COX and BOWMAN,\* Circuit Judges.

PER CURIAM:

\_\_\_\_\_  
\*Honorable Pasco Bowman, II, United States Circuit Judge for the Eighth Circuit, sitting  
by designation.

MRI Scan Center, Inc., appeals from the District Court's dismissal of its case for failure to state a claim. In its complaint, MRI Scan Center brought two claims against Allstate Insurance Company. First, MRI Scan Center alleged that Allstate breached its Auto Med Pay insurance policies by paying claims for MRI services at the statutorily capped amounts set by Florida Statute § 627.736(5)(b)(5). Second, MRI Scan Center sought a declaratory judgment that Allstate illegally adjusted claims in violation of Florida Statute § 627.6044(1), which requires insurance policies to specify the "formula or criteria" used by the insurer to determine the amount to pay on claims. After finding no facts in dispute, the District Court determined that the law does not entitle MRI Scan Center to relief.

We have now considered the briefs and the relevant law, and we agree with the District Court. For the reasons set out in the District Court's thoughtful opinion, we affirm the dismissal of MRI Scan Center's suit.

AFFIRMED.