

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ALBERT CURRY, #286436,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:13cv631-TMH
)	
ALABAMA DEPARTMENT OF)	
PUBLIC SAFETY and)	
STATE TROOPER HANKS, ¹)	
)	
Defendants.)	

ORDER AND OPINION

On September 25, 2013, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 3). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that this case is TRANSFERRED to the United States District Court for the Southern District of Alabama pursuant to the provisions of 28 U.S.C. § 1404.

¹ The court has ascertained that the full name of the individual defendant is Todd Hanks. It likewise appears to this court that Trooper Hanks is the only proper defendant in this cause of action. See *Papasan v. Allain*, 478 U.S. 265 (1986) (Unless a state or the state agency consents to suit, the plaintiff cannot proceed against such defendant as the action is proscribed by the Eleventh Amendment and “[t]his bar exists whether the relief sought is legal or equitable.”); *Will v. Michigan Dept. of State Police*, 491 U.S. 58, 65, 109 S.Ct. 2304, 2309 (1989) (A state agency is merely an extension of the State and is therefore “not a ‘person’ [subject to suit] within the meaning of §1983....”).

Done, this 24th day of October 2013.

/s/ Truman M. Hobbs
TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE