

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

HUBERT BEND, JR.,)
)
Plaintiff,)
)
v.)
)
PATRICK PIZZELLA,)
Acting Secretary of Labor,)
U.S. Department of Labor,)
)
Defendant.)

CIVIL ACTION NO.
2:18cv593-MHT
(WO)

OPINION AND ORDER

This lawsuit is before the court on the recommendation of the United States Magistrate Judge that defendant's motion to dismiss or, in the alternative, motion to transfer venue be granted to the extent defendant seeks a transfer of venue and denied or deferred to the extent defendant seeks dismissal. There are no objections to the recommendation. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted.

Accordingly, it is ORDERED as follows:

(1) The magistrate judge's recommendation (doc. no. 19) is adopted.

(2) Defendant's motion to dismiss or, in the alternative, motion to transfer venue (doc. no. 13) is: granted to the extent that defendant seeks a transfer of venue; denied to the extent that defendant seeks dismissal pursuant to Federal Rule of Civil Procedure 12(b)(3); deferred for consideration by the transferee court to the extent that defendant seeks dismissal pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6).

(3) This case is transferred to the United States District Court for the Northern District of Georgia pursuant to 28 U.S.C. § 1406(a).

The clerk of the court is DIRECTED to take appropriate steps to effect the transfer.

This case is closed in this court.

DONE, this the 24th day of September, 2019.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE