

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ESTATE OF KATELYN HICKS,)	
DECEASED. through Katelyn Hicks')	
Personal Representative, WILLIAM)	
DEAN HICKS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 11-00594-CG-N
)	
MATHEW C. WALLACK, M.D.,)	
)	
Defendant.)	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated May 2, 2012, is **ADOPTED** as the opinion of this Court. It is **ORDERED** that defendant's motion to dismiss is **DENIED** and that plaintiff's alternative request to transfer is **GRANTED**. Accordingly, it is **FURTHER ORDERED** that the Clerk of this Court take such steps as are necessary to **TRANSFER** this action to the United States District Court for the Southern District of Mississippi.

DONE this 14th day of June, 2012.

/s/ Callie V. S. Granade

UNITED STATES DISTRICT JUDGE