

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

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

**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**