

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

**STATE OF ALABAMA,)
v.) CIVIL ACTION NO. 1:23-00362-KD-N
JASON PUGH, AIS # 00212315,)
Defendant.)**

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge dated October 6, 2023 (doc. 12), made under 28 U.S.C. § 636(b)(1)(B)-(C), Federal Rule of Criminal Procedure 59(b), and S.D. Ala. GenLR 72(a), is **ADOPTED** as the opinion of this Court.

Accordingly, the state criminal prosecution(s) pending against Jason Pugh in Escambia County, Alabama, at the time he mailed his notice of removal (doc. 1) on November 28, 2022, are **SUMMARILY REMANDED** under 28 U.S.C. § 1455(b)(4) to the Circuit Court of Escambia County, Alabama. Pugh will be prosecuted in the Circuit Court of Escambia County, Alabama because there is no legal basis for this Court to assert jurisdiction over the case.

All pending motions are **MOOT**.

DONE and **ORDERED** this the 14th day of November 2023.

/s/ Kristi K. DuBose
KRISTI K. DUBOSE
UNITED STATES DISTRICT JUDGE