

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

KENNY HARDEN, as Personal)	
Representative of the Estate of)	
Javier Toto, deceased,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 09-00841-KD-B
)	
KENNETH ARLIN PEEK, JR. et al.,)	
Defendants.)	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated April 16, 2010 is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that Plaintiff’s Motion to Remand (Doc. 4) is **DENIED**.

DONE and **ORDERED** this the **4th** day of **May 2010**.

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