

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

JOSEPH CONDIT,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:11-00602-KD-N
)	
RAILAMERICA, INC.,)	
)	
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 January 24, 2012, is **ADOPTED** as the opinion of this Court and it is **ORDERED** that plaintiff’s motion to remand is **GRANTED** but that plaintiff’s motion for attorney’s fees with costs is **DENIED**.

The Clerk is hereby directed to take such steps as are necessary to transfer this case to the Circuit Court of Wilcox County, Alabama, from whence it was improperly removed.

DONE this 10th day of February, 2012.

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