

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

BRAXTON F. GREEN, III,)
as the Administrator of)
the Estate of Jeffery L.)
Danner, Sr., deceased,)
)
Plaintiff,)
)
v.)
)
CATERPILLAR, INC., and)
THOMPSON TRACTOR COMPANY,)
INC.,)
)
Defendants.)

CIVIL ACTION NO.
2:17cv608-MHT
(WO)

OPINION AND ORDER

Plaintiff, a citizen of Alabama, filed this wrongful-death lawsuit in an Alabama state court against two defendants, an Alabama defendant and an out-of-state defendant. The foreign defendant removed the case to federal court, claiming that the court has diversity jurisdiction because the Alabama defendant was fraudulently joined. See 28 U.S.C. § 1332. Plaintiff moved to remand. This lawsuit is now before the court on the recommendation of the United States

Magistrate Judge that the remand motion should be granted and that the case should be remanded to state court for lack of subject-matter jurisdiction. Also before the court are defendants' objections to the recommendation. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted.

Accordingly, it is the ORDER, JUDGMENT, and DECREE of the court that:

(1) The objections (doc. nos. 19 & 20) are overruled.

(2) The magistrate judge's recommendation (doc. no. 18) is adopted.

(3) The motion to remand (doc. no. 8) is granted.

(4) Pursuant to 28 U.S.C. § 1447(c), this cause is remanded to the Circuit Court of Barbour County, Alabama.

The clerk of the court is DIRECTED to take appropriate steps to effect the remand.

This case is closed in this court.

DONE, this the 7th day of May, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE