

FILED

May 27, 2005

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 03-60932

CATHERINE ALDRIDGE, Administratrix of the estate of Bonnie M. Stigger, for the use and benefit of the estate of Bonnie M. Stigger, and for the use and benefit of the wrongful death of Bonnie M. Stigger; CATHERINE ALDRIDGE,

Plaintiffs-Appellants,

versus

J. D. LEE; GEORGE D. MORGAN; BOYD P. GENTRY; NATIONAL HERITAGE REALTY, INC., formerly known as Southmark Heritage Corp.; EVERGREEN HEALTHCARE, INC.; GRANCARE LLC, formerly known as Grancare, Inc.; MARINER HEALTH CARE, INC., formerly known as Mariner Post-Acute Network, Inc.; CHARLES W. FRANCIS; JOHN DOES, 1 Through 10; and Unidentified Entities 1 through 10; (as to Clinton Health and Rehabilitation Center),

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
(3:03-CV-124)

Before KING, Chief Judge, and BARKSDALE and STEWART, Circuit Judges.

PER CURIAM:*

In the light of *Gray v. Beverly Enterprises, Inc.*, 390 F.3d 400 (5th Cir. 2004), the district court's remand-denial and

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

dismissal of Charles W. Francis are **VACATED**; and this matter is **REMANDED** to the district court for remand to state court.

VACATED and REMANDED