

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JAMES MILLER

CIVIL ACTION

VERSUS

NO: 09-7511

NESTLE, USA

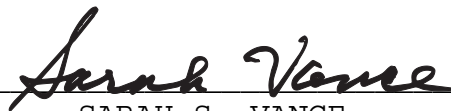
SECTION: R(1)

ORDER

The Court, finding that as of this date neither party has filed any objections to the Magistrate Judge's Report and Recommendations, hereby approves the Report and adopts it as its opinion.

Accordingly, IT IS ORDERED that plaintiff James Miller's claims that defendant Nestle, USA negligently manufactured and distributed a contaminated Baby Ruth candy bar are DISMISSED with prejudice as frivolous and for otherwise failing to state a claim on which relief may be granted.

New Orleans, Louisiana, this 15th day of January, 2010.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE