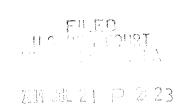
UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF LOUISIANA



DIANE HAMILTON

VERSUS

CIVIL ACTION

NO. 08-653-C

OSCAR ALVARADO-CRUZ, ET AL

RULING

The court, after carefully considering the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Christine Noland dated June 17, 2009, to which no objection has been filed, hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, the motion to dismiss pursuant to FRCP Rule 12 (rec.doc. 22) filed by defendant, Oscar Alvarado-Cruz is denied..

Baton Rouge, Louisiana, July 2) , 2009.

RALPH E. TYSON, CHIEF JUDGE MIDDLE DISTRICT OF LOUISIANA