

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

AUDREY HAMPTON

VERSUS

ALLSTATE INSURANCE COMPANY

CIVIL ACTION

NO. 09-343-JVP-CN

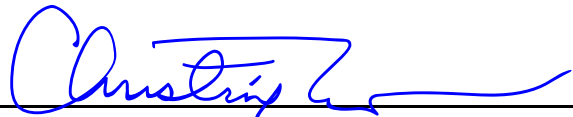
NOTICE

Please take notice that the attached Magistrate Judge's Report has been filed with the Clerk of the United States District Court.

In accordance with 28 U.S.C. § 636(b)(1), you have ten (10) days after being served with the attached report to file written objections to the proposed findings of fact, conclusions of law, and recommendations set forth therein. Failure to file written recommendations within ten (10) days after being served will bar you, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the District Court.

**ABSOLUTELY NO EXTENSION OF TIME SHALL BE GRANTED TO FILE
WRITTEN OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT.**

Signed in chambers in Baton Rouge, Louisiana, November 5, 2009.



MAGISTRATE JUDGE CHRISTINE NOLAND

**UNITED STATES DISTRICT COURT
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NO. 09-343-JVP-CN

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**MAGISTRATE JUDGE’S REPORT AND
RECOMMENDATION**

This matter comes before the Court on Defendant, Allstate Insurance Company’s Motion to Dismiss Complaint (Dkt. #7). The motion is unopposed.

Plaintiff removed this action from the 19th Judicial District Court to this Court on June 5, 2009. (Dkt. #1). The sole defendant named in the suit was Allstate Insurance Company. On July 7, 2009, defendant filed a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure asserting that plaintiff fails to state a claim against Allstate Insurance Company for which relief can be granted because plaintiff did not have a homeowners insurance policy with Allstate Insurance Company, therefore no contract exists between plaintiff and Allstate Insurance Company.

On September 29, 2009, plaintiff filed a motion for leave to file her first supplemental and amending complaint which the Court granted on October 2, 2009. In her supplemental and amending complaint, plaintiff amended the complaint replacing Allstate Insurance Company with Allstate Indemnity Company, the proper party defendant. Since the proper

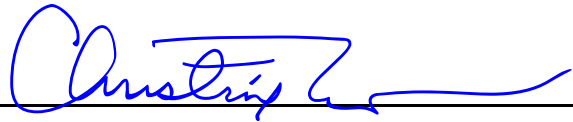
party defendant has been corrected and defendant Allstate Insurance Company is no longer a party to this suit, defendant's motion to dismiss complaint is no long an issue and is therefore moot.

Accordingly,

RECOMMENDATION

It is recommended that defendant's Motion to Dismiss (Dkt. #7) be **DENIED AS MOOT.**

Signed in chambers in Baton Rouge, Louisiana, November 5, 2009.



MAGISTRATE JUDGE CHRISTINE NOLAND