

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

KELVIN WELLS

VERSUS

REST HAVEN MEMORIAL PARK

CIVIL ACTION

NO. 09-744-JJB

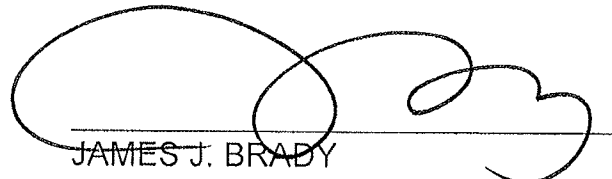
RULING AND ORDER

The court has carefully considered the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Christine Noland, dated January 27, 2010 (doc. no. 16). The court has further considered the objection filed by plaintiff, which the court finds to lack any merit.

In her report, the magistrate judge concludes that there is no basis for federal question jurisdiction. This conclusion is clearly correct.

Accordingly, the court finds that it lacks subject matter jurisdiction and this action will be dismissed without prejudice to plaintiff pursuing any state law claims in state court.

Baton Rouge, Louisiana, this 11th day of February, 2010.



JAMES J. BRADY
UNITED STATES DISTRICT JUDGE